

L A W S

OF THE

STATE OF INDIANA,

Laws, Statutes, &c.

PASSED AT

THE FORTY-FIRST REGULAR SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE TENTH DAY OF JANUARY, A. D., 1861.

B Y A U T H O R I T Y.

J. S.

INDIANAPOLIS:
BERRY R. SULGROVE, STATE PRINTER.
1861.

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Jan. 27, 1861 Recd.

L A W S.

CHAPTER I.

AN ACT to amend the sixth section of an act entitled "An act for the encouragement of agriculture," approved February 17th, 1852.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sixth section of an act entitled "An act for the encouragement of agriculture," approved February 17th, 1852, which reads as follows:

"There shall be held in the city of Indianapolis, on the first Thursday after the first Monday in January, an annual meeting of the Indiana State Board of Agriculture, together with the president of each County Agricultural Society, or other delegate therefrom—duly authorized—who shall for the time being be *ex officio* members of the State Board of Agriculture, for the purpose of deliberation and consultation as to the wants, prospects and conditions of the agricultural interests throughout the State, and at such annual meeting the several reports from the county societies shall be delivered to the President of the Indiana State Board of Agriculture, and the said presidents and delegates shall at this meeting elect suitable persons to fill all vacancies in said Board: *Provided, however,* That said election shall not affect the members of the Board present, whose term shall not be considered to expire until the last day of said session," be and the same is hereby amended to read as follows:

There shall be held in the city of Indianapolis, on the first Tuesday after the first Monday in January annually, a meeting of the Indiana State Board of Agriculture, together with the president of each county agricultural society, or other del-

Amended to
meet on first
Tuesday after
first Monday in
January.

egate therefrom, duly authorized, who shall for the time being be *ex officio* members of the State Board of Agriculture, for the purpose of deliberation and consultation as to the wants, prospects and condition of the agricultural interests throughout the State, and, at such annual meeting the several reports from the county societies shall be delivered to the President of the Indiana State Board of Agriculture, and the said presidents and delegates shall at this meeting elect suitable persons to fill all vacancies in said Board: *Provided, however,* That said election shall not affect the members of the Board present, whose term shall not be considered to expire until the last day of said session.

CHAPTER II.

AN ACT to amend an act, entitled "An act authorizing county agricultural societies to purchase and hold real estate," approved February 7th, 1855.

[APPROVED MARCH 9, 1861.]

Section 1 of act
of 1855 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one of an act, entitled "An act authorizing county agricultural societies to purchase and hold real estate," approved February 7th, 1855, which reads as follows, to-wit:

"Be it enacted by the General Assembly of the State of Indiana, That every county or district agricultural society, organized agreeable to the provisions of an act for the encouragement of agriculture, approved February 17th, 1852, shall be a body corporate with perpetual succession, and as such shall be empowered to purchase and hold real estate for the use of the annual fairs and other exhibitions of said society: *Provided,* That the amount of real estate so purchased and held shall not exceed twenty acres: *And provided also,* That said purchase shall be made at such place, and under such regulations as may be prescribed by the by-laws of such society," be amended to read as follows:

To allow societies to purchase real estate for use of annual fairs not to exceed 80 acres.

Be it enacted by the General Assembly of the State of Indiana, That every county or district agricultural society, organized agreeably to the provisions of an act for the encouragement of agriculture, approved February 17th, 1852, shall be a body corporate, with perpetual succession, and as such shall

be empowered to purchase and hold real estate for the use of the annual fairs and other exhibitions of said society: *Provided*, That the amount of real estate so purchased and held shall not exceed eighty acres: *And provided also*, That said purchase shall be made at such place, and under such regulations as may be prescribed by the by-laws of said society.

SEC. 2. That all purchasers of real estate hereinbefore made by any agricultural societies, organized in pursuance of the first section of the act of 1855, authorizing agricultural societies to purchase and hold real estate, are hereby legalized and confirmed: *Provided*, The number of acres so purchased and held, does not exceed the number specified in this act.

SEC. 3. It is hereby declared that an emergency exists for *Emergency*. the immediate taking effect of this act; it shall, therefore, take effect from and after its passage and publication in the Indianapolis Daily Journal and Daily State Sentinel.

Note.—Published in Daily Journal, March 22, 1861, and in Daily Sentinel, March 23, 1861.

CHAPTER III.

AN ACT to amend an act, entitled "An act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock.

[APPROVED MARCH 11th, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 1 of an act, entitled "An act authorizing county agricultural societies to hold real estate," Section 1 of act relative to, of 1855, amended. approved February 7, 1855, which reads as follows.

"SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That every county or district agricultural society, organized agreeable to the provisions of an act for the encouragement of agriculture, approved February 17, 1852, shall be a body corporate, with perpetual succession, and as such shall be empowered to purchase and hold real estate for the use of the annual fairs and other exhibitions of said society: *Provided*, That the amount of real estate so purchased and held shall not exceed twenty acres: *And provided also*, That said purchase shall be made at such place and under such regulations as may be prescribed by the by-laws of such society," be amended to read as follows:

Societies authorized to issue capital stock, not to exceed \$10,000.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every county or district agricultural society, organized agreeable to the provisions of "An act for the encouragement of agriculture," approved February 17, 1852, shall be a body corporate with perpetual succession, and as such shall be empowered to issue capital stock to an amount, not exceeding ten thousand dollars, in shares of twenty-five dollars each, and to hold real estate by purchase, gift, or devise for the use of the annual fairs and exhibitions of such society: *Provided,* That the amount of real estate so purchased, or received by gift or devise, shall not exceed eighty acres: *And provided also,* That said land, if purchased, shall be selected at such place, and under such regulations as may be prescribed by the by-laws of such society.

Lawful for society to sell any lands owned by it, when so instructed by shareholders, but only in order to procure a better site.

Stock transferable.

Stockholders may cast one vote for each share of stock held.

Emergency declared.

SEC. 2. It shall be lawful for such agricultural society, or corporation, by its board of trustees or directors, when so instructed by the shareholders, to sell any lands of which it is or may be possessed: *Provided,* That such sale shall only be for the purpose of re-investing the proceeds thereof in another more eligible site, to be used for the same general objects of the society.

SEC. 3. Shares in the capital stock of such societies shall be transferrable, for a consideration, from one person to another, subject to the provisions of the by-laws that said societies may adopt.

SEC. 4. In all meetings of stockholders of such societies, held for the election of trustees or directors, or for the purpose of expressing their will, by vote, on any question whatever, any stockholder shall be entitled to cast one vote for each share he may own, and which he has paid for in full: *Provided however,* That no stockholder shall be entitled to vote on more than ten shares.

SEC. 5. It is hereby declared that an emergency exists for the immediate taking effect of this act; and it shall therefore be in force from and after its publication in the Indiana State Sentinel and the Indianapolis Daily Journal.

SEC. 6. This act may be amended or repealed at any time in the discretion of the Legislature.

CHAPTER IV.

AN ACT to authorize aliens to hold lands in the State of Indiana by devise or descent, and sell, convey, and alienate the same.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for any non-resident alien to acquire real estate in this State by descent or devise, and to hold, sell, alienate and convey the same as if he or she were a citizen of the United States. But the time during which such alien may thus hold, sell, alienate and convey said real estate shall expire eight years after the final settlement of the decedent's estate, from which such real estate was derived. And, in case that said alien should be a minor, his or her guardian or *curator* shall have the right to hold, sell, alienate and convey said real estate for the benefit of said minor, during the time specified in this section.

SEC. 2. If the aforesaid non-resident alien, who has thus acquired by descent or devise, title or right of possession of real estate for a limited time, as specified in the preceding section of this act, should die before the expiration of that time, and holding title or right of possession of said real estate, then his heirs or devisees, if they are likewise non-resident aliens, shall acquire and hold said real estate under and with the provisions of the preceding section of this act; but if they are citizens, or bona-fide residents of the United States, they shall inherit and succeed as they would have done if their ancestor or devisor had been a citizen of the United States.

SEC. 3. This act shall apply to and include the non-resident and alien heirs and devisees of any residents of this State, who shall have died before the passage of this act; and such aliens and heirs may, during the period of eight years, from and after the passage of this act, hold, alien, sell and convey in fee simple, any such real estate, in the same manner as they could do had their ancestors or devisors departed this life subsequent to the passage of this act: *Provided,* The estate is not already vested in resident heirs.

Lawful for non-resident alien to acquire by descent real estate, and hold, sell, &c., the same.

Time which alien may thus hold, &c., to expire 8 years after final settlement of decedent's estate.

In case alien is minor, guardian or curator shall have right to hold, sell and convey for benefit of minor.

If non-resident alien who has acquired by descent or devise, should die before the expiration of time specified in Sec. 1, his heirs or devisees, if non-residents, to hold under provisions of section 1.

To apply to and include the non-resident and alien heirs and devisees of any residents of this State who died before passage of this act.

CHAPTER V.

AN ACT making general appropriations for the year 1861 and 1862.

[APPROVED MARCH 11, 1861.]

Appropriations
for 1861.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of meeting the expenses of she State Government for the year one thousand eight hundred and sixty-one, the following sums are hereby appropriated, namely: For the General Assembly, twenty-five thousand dollars: for the payment of interest due July 1st, 1861, on the State debt, one hundred and sixty thousand dollars; for re-payment of loan to Winslow, Lanier & Co., due May 1st, 1861, principal and interest, one hundred and twenty-five thousand two hundred and fifty dollars; for repayment of loan to the Branch of the Bank of the State at Indianapolis, twenty-five thousand dollars; for repayment of loan to the Commissioners of the Sinking Fund, principal and interest, seventy-five thousand nine hundred and seventy-eight dollars; for the executive officers and their clerks, the following sums: salary of the Governor, three thousand dollars; salary of the Treasurer of State, three thousand dollars; salary of the Auditor of State, two thousand five hundred dollars; salary of the Secretary of State, two thousand dollars; salary of the Governor's Private Secretary, five hundred dollars; salary of the Superintendent of Public Instruction, one thousand three hundred dollars; salary of the State Librarian, eight hundred dollars; salary of the Auditor's clerks, two thousand six hundred dollars; salary of the Treasurer's clerk and of the Secretary's clerk, eight hundred dollars each; salary of the clerk of the Superintendent of Public Instruction, three hundred and sixty-five dollars; for the salary of the Attorney General, one thousand dollars; for salaries of the four Judges of the Supreme Court, at two thousand dollars each, eight thousand dollars; for salaries of fourteen Circuit Judges, at fifteen hundred dollars each, twenty-one thousand dollars; for Public Printing, sixteen thousand dollars; for salaries of fourteen Prosecuting Attorneys, at five hundred dollars each, seven thousand dollars; for fuel, stationery, postage and incidentals, six thousand two hundred and fifty dollars; for the State House, attendance and repairs, eleven hundred and twenty-six dollars; for incidentals for the State Library, three hundred dollars; for the Governor's office, five hundred dollars; for the Secretary of State's office, one thousand dollars; for the Auditor of State's office, fifteen hundred dollars; for the Treasurer of State's office, to include

the purchase of a fire and burglar proof safe, and to defray the cost of exchange, or of the transmission of funds to New York, two thousand five hundred dollars; for the office of the Superintendent of Public Instruction, seven hundred and fifty dollars; for the rent of the State offices, payable on the first day of November 1861, eighteen hundred dollars; for the current expenses and officers' salaries of the State Prison North, twenty-five thousand dollars, ten thousand dollars of which sum is to be applied in the purchase of materials for continuing the construction of said prison, or so much thereof as may be necessary to keep the prisoners at work on said prison; for the current expenses and officers' salaries of the State Prison South, fourteen thousand dollars, and to pay the present indebtedness, ten thousand dollars; for repairs of the Governor's house and grounds, two thousand dollars, with the privilege to the Governor, should he so prefer, of renting another residence and defraying the rent of the same out of the appropriation hereby made; for the Indiana Reports, two thousand dollars; for the distribution of Laws, one thousand dollars; for Sheriffs' mileage, nine thousand dollars; for the salary of the Agent of State, two thousand five hundred dollars; for the incidental expenses of the Agency of State, two thousand dollars.

SEC. 2. That for the payment of interest on the State University Bonds, the sum of three thousand nine hundred and ninety-four dollars and ten cents, be appropriated. That the sum of twelve hundred dollars be allowed for furniture for the Governor's house.

Providing for payment of interest on State University Bonds. For furniture for Governor's House.

SEC. 3. That for the current expenses of the Indiana Institute for the Education of the Deaf and Dumb, including the salary of the Superintendent of the same, the sum of twenty-seven thousand five hundred dollars, be appropriated.

Current expenses of Institution for Deaf and Dumb.

SEC. 4. That for the current expenses of the Indiana Institution for the Education of the Blind, including the salary of the Superintendent of the same, the sum of sixteen thousand dollars be appropriated.

Current expenses of Blind Asylum.

SEC. 5. That for the current expenses of the Indiana Hospital for the Insane, including the salary of the Superintendent of the same, the sum of thirty-five thousand dollars be appropriated; for the contingent fund, to be drawn by the Governor's warrant on the Auditor, five thousand dollars; for the expenses of the Supreme Court, one thousand five hundred dollars.

Current expenses of Indiana Hospital.

Contingent fund to be drawn by Governor. Expenses of Supreme Court.

SEC. 6. That for the support of the State Government for the year one thousand eight hundred and sixto-two, the following sums are hereby appropriated, namely: for the payment of the interest on the State debt, three hundred and twenty thousand dollars.

For support of State Government of 1862.

SEC. 7. That for the payment of the interest on the debt funded by act of the Legislature, approved December 23d,

For payment of interest on funded debt of 1858.

1858, the interest due January 1st, 1862, the sum of seventy-one thousand two hundred and ninety-three dollars and seventeen cents be appropriated.

Salaries of Executive officers and their clerks.

SEC. 8. That the following sums be appropriated for the salaries of the executive officers and their clerks: for the salary of the Governor, three thousand dollars; for the salary of the Treasurer of State, three thousand dollars; for the salary of the Auditor of State, two thousand five hundred dollars; for the salary of the Secretary of State, two thousand dollars; for the salary of the Governor's Private Secretary, five hundred dollars; for the salary of the Superintendent of Public Instruction, one thousand three hundred dollars; for the salary of the State Librarian, eight hundred dollars; for the salaries of the clerks of the Auditor of State, two thousand six hundred dollars; for the salary of the clerk of the Treasurer of State, eight hundred dollars; for the salary of the clerk of the Secretary of State, eight hundred dollars; for the salary of the clerk of the Superintendent of Public Instruction, three hundred and sixty-five dollars; for the salary of the Attorney General, one thousand dollars; for the salaries of four Judges of the Supreme Court, at two thousand dollars each, eight thousand dollars; for salaries of fourteen Circuit Judges, at fifteen hundred dollars each, twenty-one thousand dollars; for Public Printing, eight thousand dollars; for the salaries of fourteen Prosecuting Attorneys, at five hundred dollars each, seven thousand dollars; for fuel, stationery, postage, and other incidentals, four thousand dollars, to-wit: for the Governor's office, five hundred dollars; for the Secretary's office, one thousand dollars; for the Auditor's office, fifteen hundred dollars; for the Treasurer's office, one thousand dollars; for the office of the Superintendent of Public Instruction, seven hundred and fifty dollars; for the State House, attendance and repairs, eleven hundred and twenty-six dollars; for incidentals for the State Library, three hundred dollars; for the Militia, two hundred dollars; for the current expenses and officers' salaries of the State Prison North, twenty-five thousand dollars, ten thousand dollars of which sum is to be applied in the purchase of materials for continuing the construction of said Prison, or so much thereof as may be necessary to keep the prisoners at work on said prison; and fourteen thousand dollars for the current expenses and salaries of officers of the State Prison South; for the contingent fund, to be drawn by the Governor's warrant on the Auditor, five thousand dollars; for the expenses of the Supreme Court, one thousand five hundred dollars; for the Indiana Reports, two thousand dollars; for Sheriffs' mileage, nine thousand dollars; for the salary of the Agent of State, two thousand five hundred dollars; for the incidental expenses of the Agency of State, two thousand dollars.

For Militia.

Current expenses of officers' salaries of State Prisons.

Contingent fund to be drawn by Governor.

Expenses of Supreme Court. Ind. Reports.

Sheriffs' mileage.

Salary of Agent of State, and incidental expenses of Agency.

SEC. 9. That the sum of sixteen thousand dollars be appropriated for the current expenses of the Indiana Institution for the Education of the Blind, including the salary of the Superintendent of the same.

For current expenses Blind Asylum, and Superintendent's salary.

SEC. 10. That the sum of twenty-seven thousand five hundred dollars be appropriated for the current expenses of the Indiana Institution for the Education of the Deaf and Dumb, including the salary of the Superintendent of the same.

For current expenses of Institution for education of Deaf and Dumb, and Superintendent's salary.

SEC. 11. That the sum of thirty-five thousand dollars be appropriated for the current expenses of the Indiana Hospital for the Insane, including the salary of the Superintendent of the same.

For current expenses of Hospital for Insane, and Superintendent's salary.

SEC. 12. That the sum of one thousand dollars be appropriated for the purpose of procuring wrought iron bedsteads for the use of the Hospital for the Insane for the year 1861.

For procuring wrought iron bedsteads for Hospital for Insane for 1861.

SEC. 13. Whereas, An emergency exists for the immediate taking effect of several of the foregoing provisions, it is hereby declared that this act shall be in force from and after its passage.

Emergency declared.

CHAPTER VI.

AN ACT making specific appropriations for the year 1861.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That Jonathan W. Gordon, Principal, and Azel P. Newkirk, Assistant Clerk of the House of Representatives, be allowed the sum of two hundred and forty-four dollars each, for sixty-one days' services as such clerks during the present session of the General Assembly.*

J. W. Gordon
and A. P. New-
kirk.

SEC. 2. That Azel P. Newkirk be allowed the sum of one hundred and fifty dollars for preparing the index and superintending the printing of the House Journal of the present session; that Edward J. Robinson, Noel L. Wilson, and J. P. Smith be allowed four dollars per day for sixty-one days, and Charles D. Murray the same per day, for fifty-one days' service as assistant clerks to the principal clerk during the present session.

Indexing House
Journals, and
assistant clerks.

SEC. 3. That the following persons be allowed four dollars per day for the number of days herein stated, to-wit: Hugh Nealy, Miles L. Yetter, Charles Foster, sixty-one days' each;

Engrossing
clerks.

J. J. Hayden, fifty-five days; Charles C. Smith and W. W. Hester, fifty-one days each; J. R. T. Gordon and N. H. Owings, twenty days each, and E. P. Thompson, six days for services as engrossing clerks during the present session.

Principal and
assistant clerks
of stationery,
room, and paper
folders.

SEC. 4. That James A Bell, principal clerk in the stationery room, be allowed three dollars and James M. Hood be allowed two dollars per day as assistant clerk in the stationery room for sixty-one days' services each, and Jacob Huber two dollars for sixty-one days' service, Morgan B. Clark the same for eighteen days, and George Hazzard the same for twenty-nine days for services as paper folders during the present session.

Journal clerks.

SEC. 5. That Robert O. Dormer, Charles F. Hogart and James Z. Gower be allowed four dollars each, per day, for sixty-one days, and Livingston Howland the same, per day, for fifty-seven days' service as Journal clerks during the present session.

Principal door-
keeper, assist-
ant doorkeepers.

SEC. 6. That James I. Johnston, Principal Doorkeeper, and John H. Johnson, Assistant, be allowed three dollars per day each, for sixty-one days' services during the present session; and Samuel Sargeant the same per day for four days' service as assistant.

Fireman and
sweepers.

SEC. 7. That I. N. Johnston, John Campbell, R. A. Vance, Erastus Everson, B. C. Hoyt, and David Hentley be allowed three dollars per day each, for sixty-one days' services as firemen sweepers.

Sam'l Hazzard.

SEC. 8. That Samuel Hazzard be allowed three dollars per day for sixty-one days' services as document and paper distributor.

Paul Bellier.

SEC. 9. That Paul Bellier be allowed three dollars per day for sixty-one days' services, cleaning spittoons and privy.

James T. John-
ston.

SEC. 10. That James T. Johnston be allowed ten, dollars for services and mileage as sergeant-at-arms in going to Ripley county to arrest and bring before the bar of the House William G. Baggett.

Guido Ilges.

SEC. 11. That Guido Ilges be allowed three dollars per day for sixty-one days' service as clerk of the judiciary committee.

J. C. Plumb.

SEC. 12. That J. C. Plumb be allowed three dollars per day for thirty-nine days' service as clerk of the committee on education. Also, the further sum of ten dollars, extra work, in copying the school law.

William C.
Smith.

SEC. 13. That William C. Smith be allowed three dollars per day for sixty-one days' service as clerk of the committee on public expenditures.

William B.
Nichols.

SEC. 14. That Wm. B. Nichols be allowed three dollars per day for twenty-six days' services as clerk of the committee on swamp lands.

SEC. 15. That John D. Larrabee and James Greene be allowed three dollars per day, each, for the number of days service rendered, respectively, as clerks of the committee of ways and means, as the time of each may be certified by the chairman of that committee. John D. Larrabee and James Green.

SEC. 16. That Wm. M. French be allowed three dollars per day for six days' service as clerk of the session 1859, as certified by R. J. Ryan, clerk of that session; and three dollars per day for forty days' service of the present session as Senate stationery clerk. William M. French.

SEC. 17. That Edward A. Davis be allowed ten dollars for drawing plans of the Hall of Representatives and Senate Chamber. E. A. Davis.

SEC. 18. That W. J. Ball and Jacob H. Hager be allowed each two dollars per day for four days attendance, and seven dollars and twenty cents each for mileage, as witnesses before select committee appointed to examine the land office of Trustees of Wabash and Erie Canal. W. J. Ball and Jacob H. Hagar.

SEC. 19. That William R. Strange be allowed one dollar for services as notary public, rendered to select committee appointed to examine land office of Trustees of Wabash and Erie Canal. William R. Strange.

SEC. 20. That the Indianapolis Journal Company be allowed seven hundred and eighty dollars for the Daily Journal furnished to members of the House for the session, as per contract. Indianapolis Journal Co.

SEC. 21. That George H. Griffith be allowed five hundred and seventy-five dollars and seventy-five cents for repairs on State House. George N. Griffith.

SEC. 22. That Delos Heffren be allowed three dollars per day for forty-two days' service as Messenger of the Northern Penitentiary investigating committee, and five cents per mile as mileage for the distance traveled in service of committee, being two thousand two hundred and thirty-nine miles. Delos Heffren.

SEC. 23. That Joseph Rheinhart be allowed twenty-seven dollars and ninety-five cents for locks, keys, and repairs of locks, &c., in State House. Joseph Rheinhart.

SEC. 24. That the several parties herein named be allowed the respective sums specified for expenses and services in connection with the reception of Hon. Abraham Lincoln, President elect of the United States: House committee of invitation and escort, D. C. Branham fifteen dollars and fifty cents; J. C. Veatch four dollars; John H. Stotsenburg four dollars; M. A. O. Packard two dollars and fifty cents; R. A. Cameron eleven dollars. Senate committee of invitation and escort, George K. Steele four dollars; Walter March seven dollars and fifty cents; A. B. Line three dollars; Western Telegraph Company sixteen dollars and seventy-eight; City Greys Artillery Expenses connected with reception of Hon. A. Lincoln.

lery seventy-five dollars; City Grey's Music thirty-five dollars; National Guard's Band thirty dollars; Bates House eighty-three dollars. For carriages, as follows: Myron North six dollars; William Wilkinson nine dollars; Brinkman & Buckshot twelve dollars; Weaver & Williams fifteen dollars; Oliver H. Johnston twelve dollars; Elijah Hedges thirty dollars; Allen & Hinesly eighteen dollars.

Richard Henninger.

SEC. 25. That Richard Henninger be allowed two hundred and twenty-one dollars and forty-five cents for the Daily Free Press, (German,) furnished members of the House, as per contract.

H. C. Carter.

SEC. 26. That H. C. Carter be allowed twenty-one dollars for work and materials for raising flag on dome of the capitol.

George F. Savitz.

SEC. 27. That George F. Saritz be allowed fourteen dollars and eighty cents for fees as witness in Bank Fraud Case.

W. L. Bryant.

SEC. 28. That W. L. Bryant be allowed one thousand dollars for painting and papering in State House.

Chas. O. Howard.

SEC. 29. That Charles O. Howard be allowed ten dollars for repairs of clocks in State House.

Joseph F. Daugherty.

SEC. 30. That Joseph F. Daugherty be allowed one dollar and fifty cents per day for fifteen days' work fixing up Hall and Committee Rooms.

W. W. Daugherty.

SEC. 31. That W. W. Daugherty be allowed one dollar and fifty cents per day for eight days' work fixing up Hall and Committee Rooms.

A. B. Willard & Co.

SEC. 32. That A. B. Willard & Co. be allowed two dollars and seventy cents for red ribbon furnished clerk of the House.

R. L. & A. W. McOuat.

SEC. 33. That R. L. & A. W. McOuat be allowed two thousand four hundred and eighty-one dollars and fifty-eight cents for work on State House.

R. L. & A. W. McOuat.

SEC. 35. That R. L. & A. W. McOuat be allowed eleven dollars and twenty-five cents for work and articles furnished State House.

Bingham & Doughty.

SEC. 35. That Bingham & Doughty be allowed forty-five dollars for ten copies of Gavin & Hord's Revised Statutes, furnished by resolution of the House.

Bingham & Doughty.

SEC. 36. That Bingham & Doughty be allowed seven hundred and eighty dollars for the Daily Sentinel furnished to members of the House, as per contract.

J. F. Ramsey.

SEC. 37. That J. F. Ramsey be allowed two hundred and seven dollars for nine dozen chairs furnished for House of Representatives.

Bowen, Stewart & Co.

SEC. 38. That Bowen, Stewart & Co. be allowed one hundred and sixty-six dollars and fifty-eight cents for stationery furnished for Legislature, as per bills filed.

H. A. Fletcher & Co.

SEC. 39. That H. A. Fletcher & Co. be allowed ninety-three dollars and forty cents for sundries, as per bills filed.

SEC. 40. That John Ott be allowed seventeen dollars and John Ott. seventy-five cents for table and hat racks for House.

SEC. 41. That George Wilkinson be allowed three dollars George Wilkinson per day for nine days' service as Messenger of the Northern State Prison Committee.

SEC. 42. That Jacob Huber be allowed four dollars for Jacob Huber. washing towels.

SEC. 43. That John H. Meyer be allowed one dollar and John H. Meyer. fifty cents per day for fifty-four days' service hauling the mail from the House to the Post Office.

SEC. 44. That Wm. B. Wilkinson be allowed three dollars W. B. Wilkinson per day for sixty-one days' service as doorkeeper.

SEC. 45. That Oscar H. Nealey be allowed two dollars per Oscar H. Nealey. day for sixty-one days' service, taking care of rooms of the committees on rights and privileges, on agriculture, on military affairs, and the room of the engrossing clerks.

SEC. 46. That H. A. Fletcher & Co. be allowed sixty-eight H. A. Fletcher & Co. dollars for carpet for office of Superintendent of Public Instruction.

SEC. 47. That Merrill & Co. be allowed thirty-seven dollars Merrill & Co. and twenty-four cents for stationery for House, as per bills on file.

SEC. 48. That William Franklin be allowed five dollars for William Franklin. patching and white-washing office of Superintendent of Public Instruction.

SEC. 49. That Miles J. Fletcher be allowed thirty-three Miles J. Fletcher. dollars for furniture for office of Superintendent of Public Instruction.

SEC. 50. That Sheets & Braden be allowed fifteen dollars Sheets & Braden. and ninety-five cents for blank books and stationery furnished den. for House.

SEC. 51. That R. L. & A. W. McOuat be allowed twenty- R. L. & A. W. McOuat. six dollars and forty cents for stove, fixtures and sundries furnished for office of Superintendent of Public Instruction.

SEC. 52. That Robert Jennings, doorkeeper of the House Robert Jennings. at the last session of the Legislature, be allowed three dollars per day for four days attendance at the present session.

SEC. 53. That J. B. Wilson be allowed twelve dollars and J. B. Wilson. thirty cents for sundries furnished Legislature, as per bills filed.

SEC. 54. That Jacob Huber be allowed five dollars for Jacob Huber. paste supplied to folding room of the House.

SEC. 55. That James Carraco be allowed one dollar and James Carraco. fifty cents per day for sixty-one days sawing wood for House and Senate.

SEC. 56. That Julius Boetticher be allowed two hundred Julius Boetticher. and twenty-three dollars and sixty cents for Volksblatt furnished members of the House.

Chas. Wood-
ward.

SEC. 57. That Charles Woodard be allowed thirty dollars for services as assistant doorkeeper to the Senate at the last session of the Legislature, not then paid in consequence of an error in the specific appropriation bill.

Pages of House.

SEC. 58. That the following persons be allowed two dollars and fifty cents per day for sixty-one days service each as pages of House, to-wit: Allie Greenhow, Eugene Bundy, Carol Beal, and James H. Willard.

Peace Congress.

SEC. 59. That the sum of thirty-seven dollars be appropriated as the State's portion of the expense of publishing the proceedings of the recent Peace Congress at Washington City.

Committee of in-
vestigation of
northern prison,
and others con-
cerned as wit-
nesses &c.

SEC. 60. That the following persons be allowed the several sums specified for services, witness fees and mileage in attendance upon the Committee of Investigation on the Northern Prison:

Robert Craig, clerk of committee, fifty-two days services at three dollars per day, one hundred and fifty-six dollars; expense to Michigan City with committee, thirty dollars.

William Grose, six days services in making report of committee, at three dollars, eighteen dollars.

George L. Dart, nine days services assisting in making report of committee, at three dollars, twenty-seven dollars.

Charles Coulon, twenty days attending on said committee and swearing witnesses at two dollars, forty dollars.

John Reed, eleven days attendance, twenty-two dollars; four hundred and six miles travel, twenty dollars and thirty cents, forty-two dollars and thirty cents.

James Brown, twelve days attendance, twenty-four dollars; four hundred and twenty-four miles travel, twenty-one dollars and twenty cents; forty-five dollars and twenty cents.

George H. Dunlap, twelve days attendance, twenty-four dollars; four hundred and twenty-four miles travel, twenty-one dollars and twenty cents; forty-five dollars and twenty cents.

Lot Day, Jr., twelve days attendance, twenty-four dollars; four hundred miles travel, twenty dollars; forty-four dollars.

David Runnion, eighteen days attendance, thirty-six dollars; four hundred and twenty-four miles travel, twenty-one dollars and twenty cents; fifty-seven dollars and twenty cents.

Nathan Lord, Jr., twelve days attendance, twenty-four dollars; one hundred and eight miles travel, nine dollars; thirty-three dollars.

Wm. H. H. Terrell, seventeen days attendance, thirty-four dollars; two hundred and ninety miles travel, fourteen dollars and fifty cents; forty-four dollars and fifty cents.

Isaac Hodgson, three days attendance, six dollars.

John L. Smithmyer, for measuring work done on Northern

Prison and reporting same to committee, one hundred and seventy-two dollars.

John Hooper, for services assisting Smithmyer in measuring work on Northern Prison, one hundred and twelve dollars and fifty cents.

Jeremiah D. Skeen, thirty days attendance, sixty dollars; two hundred miles travel, ten dollars; seventy dollars.

William F. Bagot, two days attendance, four dollars; two hundred miles travel, ten dollars; fourteen dollars.

B. D. Angell, six hundred and forty miles travel, (two trips,) thirty-two dollars.

Charles Thompson, three days attendance, six dollars.

Henry Achey, five days attendance, ten dollars; two miles travel, ten cents; ten dollars and ten cents.

Jesse Copeland, attendance, ten dollars.

William Fleming, ten days attendance, twenty dollars; three hundred miles travel, fifteen dollars; thirty-five dollars.

D. W. Miller, ten days attendance, twenty dollars; two hundred miles travel, ten dollars; thirty dollars.

Samuel C. Kirkpatrick, three hundred and fourteen miles travel, fifteen dollars and seventy cents.

J. A. Taylor, one days attendance, two dollars.

M. J. Lynch, five days attendance, ten dollars.

Stephen McNabb, one days attendance, two dollars.

Robert A. Taylor, one days attendance, two dollars.

D. Behymer, one days attendance, two dollars.

Edwin J. Peck, one days attendance, two dollars.

Edwin Clark, one days attendance, two dollars.

A. W. Lattimore, for mileage and services summoning witnesses, as per bill filed, two hundred and twenty-three dollars and eighty cents.

Sec. 61. That for the purpose of paying the expense of the committee appointed by joint resolution of the General Assembly to investigate the State offices, the sum of one thousand dollars is hereby appropriated, to be paid on the certificate of the chairman of said committee.

Sec. 62. That the following persons, members of the Investigating Committee of the Northern Prison, be allowed thirty dollars each, in accordance with a concurrent resolution of the House and Senate, to meet the expenses of trip to Michigan City: On the part of the Senate—D. C. Anthony, D. R. Bearss, James Slack, W. C. Tarkington, Abraham Teegarden, Simeon K. Wolfe, Aaron B. Line, Joshua H. Mellett, Charles L. Murray, Thomas R. Cobb, Moses C. Culver. On the part of the House—Moses Jenkinson, Horace Heffren, Richard M. Haworth, James Burgess, Lucius Bingham, M. G. Sherman, M. L. Brett.

Committee to investigate state office.

Members of investigating committee of northern prison.

M. A. O. Packard. SEC. 63. That M. A. O. Packard be allowed two dollars and fifty cents for conveyance to the Asylums on the business of the Committee on Benevolent Institutions.

Southern state prison. SEC. 64. That D. M. Jones, Ira G. Grover, C. S. Dobbins, Wm. Bryan, W. H. Owens, Wm. Horton, —— Collins, and Magnut Brucker, be allowed thirty dollars each, for expenses in visiting Southern Prison during the present session.

Bowen, Stewart & Co. SEC. 65. That Bowen, Stewart & Co. be allowed one dollar and fifty cents for two ink stands.

J. A. Ross. SEC. 66. That J. A. Ross be allowed one hundred and sixty-two dollars and fifty cents for fifteen hundred bushels of coal.

Township land investigating committee. SEC. 67. That the sum of fifteen hundred dollars be appropriated to defray the expenses of the Township Land Investigating Committee, and that the committee be allowed the sum of four dollars per day for their services, and a clerk and messenger to be allowed and paid three dollars per day for every day so employed, to be certified by the chairman.

Samuel L. Rugg. SEC. 68. That Samuel L. Rugg be allowed three dollars per day for thirty days service on Committee on Education.

Wabash and Erie canal land office. SEC. 69. That the sum of three hundred dollars be appropriated to defray the expenses of the select committee in investigating the condition of the Land Office of the Trustees of the Wabash and Erie Canal.

Latham B. Brown. SEC. 70. That Latham B. Brown be allowed two dollars per day for ten days service at the State House.

Robert Browning. SEC. 71. That Robert Browning be allowed the sum of three dollars for three thermometers and soap.

D. Braden. SEC. 72. That D. Braden be allowed two dollars and forty cents for desk locks, scoop, shovel, &c.

J. B. Wilson. SEC. 73. That J. B. Wilson be allowed two dollars and seventy-five cents for candlesticks and scales.

W. H. Talbott & Co. SEC. 74. That W. H. Talbott & Co. be allowed four dollars for scroll for eagle.

Jacob Lindley. SEC. 75. That Jacob Lindley be allowed the sum of three dollars and fifteen cents for pitchers for use of the House.

Balleus & Kindler. SEC. 76. That Balleus & Kindler be allowed one dollar for keys for the State House.

Speigel, Thoms & Co. SEC. 77. That Speigel, Thoms & Co. be allowed seventeen dollars for chests for use of the House.

William Fleming. SEC. 78. That Wm. Fleming be allowed three hundred miles travel at five cents per mile, fifteen dollars.

National Guards' Band. SEC. 79. To National Guards' Band for services attending the funeral of the late Governor Willard to New Albany, fifty dollars.

National Guards' Band. SEC. 80. That the National Guards' Band be allowed twenty-five dollars.

SEC. 81. That the Greys' Band be allowed the sum of Greys' Band. twenty-five dollars for services on the reception of Honorable Abraham Lincoln.

SEC. 82. That R. L. & A. W. McOuat be allowed the sum R. L. & A. W. of fifteen dollars for tinning cupola of State House. McOuat.

SEC. 83. That Klingensmith & Bro. be allowed two dollars Klingensmith & Bro. and thirty cents for brooms and candles.

SEC. 84. That Amzi L. Wheeler be allowed seventeen Amzi L. dollars and fifty cents for mileage on account of attendance Wheeler. before the Bank Fraud Investigating Committee of 1857.

SEC. 85. That Richard J. Ryan, Clerk of the last House Richard J. of Representatives, be allowed the sum of fifteen dollars for Ryan. organizing this House.

SEC. 86. That Ariel and W. H. Drapier be allowed five Ariel & W. H. hundred dollars for five hundred copies of the Brevier Legislative Drapier. Reports of the present session for the use of the House of Representatives, being five copies for each member.

SEC. 87. That J. P. Smith be allowed the sum of thirty J. P. Smith. dollars for making out list of acts passed during the present session, and also for showing the disposition of all bills introduced in accordance with resolution of House.

SEC. 88. That Mrs. Elizabeth Carter be allowed one dollar Mrs. Elizabeth. Carter. for work done on flag for the State House.

SEC. 89. That James N. Tyner, Principal Secretary of the Jas. N. Tyner. Senate, be allowed the sum of twenty dollars for making out and publishing a list, with the titles, of all the Senate bills that have passed both Houses at the present session of this General Assembly, and forwarding a copy to each Senator.

SEC. 90. That James N. Tyner be allowed the sum of two Principal secretary of senate. hundred and forty-four dollars for sixty-one days' services as Principal Secretary of the Senate.

SEC. 91. That James F. Parker be allowed the sum of two Reading clerk of senate. hundred and twenty dollars for fifty-five days' services as Reading Clerk of the Senate.

SEC. 92. That John H. Benton be allowed the sum of two Register clerk of senate. hundred and forty-four dollars for sixty-one days' services as Registering Clerk of the Senate.

SEC. 93. That John W. Moore and George R. Bearss be Engrossing clerks of senate. allowed each the sum of two hundred and forty-four dollars for sixty-one days' services as Engrossing Clerks of the Senate.

SEC. 94. That Thomas R. Lawhead be allowed the sum of Engrossing and enrolling clerks of senate. one hundred and four dollars for twenty-six days' services as Engrossing and Enrolling Clerk of the Senate.

SEC. 95. That Josiah G. Hendricks be allowed the sum of Enrolling clerk of senate. seventy-two dollars for eighteen days' services as Enrolling Clerk of the Senate.

SEC. 96. That Francis P. Griffith be allowed the sum of Assistant secretary of senate.

two hundred and forty-four dollars for sixty-one days' services as Assistant Secretary of the Senate.

Assistant journal clerks of senate. SEC. 97. That James F. Bryer, L. R. Hartman and John J. Hawkins be allowed each two hundred and forty-four dollars for sixty-one days' services as Assistant Journal Clerks of the Senate.

Assistant journal clerk of senate. SEC. 98. That Irwin Robbins be allowed the sum of one hundred and sixty-eight dollars for forty-two days' services as Assistant Journal Clerk of the Senate.

Assistant journal clerk of senate. SEC. 99. That Charles E. Griffith be allowed the sum of fifty-six dollars for fourteen days' services as Assistant Journal Clerk of the Senate.

Indexing and superintending printing senate journal. SEC. 100. That James N. Tyner and Francis P. Griffith, Principal and Assistant Secretaries of the Senate, be each allowed the sum of seventy-five dollars for indexing the Journal of the Senate and superintending the printing of the same.

Principal and assistant door keeper. SEC. 101. That Samuel G. Thompson, Principal, and Richard H. Liston, Assistant Doorkeeper of the Senate, be each allowed the sum of one hundred and eighty-three dollars for sixty-one days' services as such.

Assistant door keepers. SEC. 102. That John F. Mayer, Isaac O'Harver, James Newbanks, Hiram Peden, and A. J. Riley be allowed each one hundred and eighty-three dollars for sixty-one days' services as Assistant Doorkeepers of the Senate.

Furnace tender. SEC. 103. That E. Stephens be allowed the sum of one hundred and eighty-three dollars for sixty-one days' services as furnace tender for the Senate.

Paper folder. SEC. 104. That William H. Clark be allowed the sum of one hundred and eighty-three dollars for sixty-one days' services as paper folder for the Senate.

Pages. SEC. 105. That Frank P. Connell and Charley C. Dennis be each allowed the sum of one hundred and fifty-two dollars and fifty cents for sixty-one days' services as pages of the Senate.

Bowen & Stewart. SEC. 106. That Bowen & Stewart be allowed the sum of four dollars and eighty-seven cents for stationery furnished for the Senate.

A. B. Willard & Co. SEC. 107. That A. B. Willard & Co. be allowed the sum of four dollars and ten cents for ribbon furnished for the use of the Senate.

John Ott. SEC. 108. That John Ott be allowed the sum of thirty-six dollars and sixty-three cents for furniture furnished for the use of Senate, and repairs done upon furniture in said Senate room.

Sheets & Braden. SEC. 109. That Sheets & Braden be allowed the sum of eighty-eight dollars and fifty cents for stationery furnished for the use of Senate.

Ariel & W. H. Drapier. SEC. 110. That Ariel and Wm. Drapier be allowed the

sum of six hundred dollars for six hundred Brevier Legislative Reports furnished for the use of Senate during the present session, as per contract.

SEC. 111. That J. G. Smith be allowed the sum of one J. G. Smith. dollar and fifty cents for mending poker and work done on furnace.

SEC. 112. That Spiegel, Thoms & Co. be allowed the sum ^{Spiegel, Thoms & Co.} of eight dollars for stand, table, &c., for the use of the Senate.

SEC. 113. That Jas. Russell be allowed the sum of one James Russell. hundred and twenty-two dollars for sawing and splitting wood for the use of Senate.

SEC. 114. That John Ott be allowed the sum of ten dollars John Ott. lars and seventy-five cents for letter-box and table furnished Senate.

SEC. 115. That R. C. Talbot be allowed the sum of two R. C. Talbot. dollars and fifty cents for brooms furnished for the use of Senate.

SEC. 116. That Emerich & Co. be allowed the sum of three Emerich & Co. dollars and fifty cents for sundries furnished for the use of Senate.

SEC. 117. That Munson & Johnston be allowed the sum ^{Munson & Johnston.} of six dollars and eighty-five cents for tinware furnished for the use of Senate.

SEC. 118. That Messrs. R. L. & A. W. McOuat be allowed ^{R. L. & A. W. McOuat.} the sum of six dollars and eighty-five cents for sundries furnished for the use of Senate.

SEC. 119. That Klotz & Pfafflin be allowed the sum of Klotz & Pfafflin. seven dollars and fifty-five cents for sundries furnished for the use of Senate.

SEC. 120. That Richard Henninger be allowed the sum of Richard Henninger. sixty-six dollars for one thousand one hundred and seventy-six copies of the Indiana Free Press furnished enveloped and stamped weekly to the members of the Senate.

SEC. 121. That T. A. Goodwin be allowed the sum of one T. A. Goodwin. hundred and one dollars and twenty cents for one hundred and sixty-five copies of the American furnished the Senate weekly.

SEC. 122. That Julius Boetticher be allowed the sum of Julius Boetticher. sixty-six dollars for one hundred and sixty-five copies of the weekly Volksblatt furnished the Senate weekly.

SEC. 123. That the Indianapolis Journal Company be allowed the sum of four hundred and twenty-nine dollars for Indianapolis Journal Co. copies of said Journal furnished to the Senate as per contract.

SEC. 124. That the sum of four hundred and twenty-nine Bingham and Doughty. dollars be allowed Bingham and Doughty for copies of the Daily Sentinel furnished the Senate as per contract with the doorkeeper.

SEC. 125. That S. C. Thompson be allowed the sum of S. C. Thompson.

twenty-four dollars for letter stamps which were stolen from letter box.

A. F. Shortridge. SEC. 126. That A. F. Shortridge be allowed the sum of nine dollars for three days service in repairing Senate Chamber at the commencement of the session.

M. T. Lister. SEC. 127. That M. T. Lister be allowed the sum of nine dollars for three days services in cleaning and repairing Senate Chamber at the commencement of the session.

J. F. Meyer. SEC. 128. That J. F. Meyer be allowed the sum of nine dollars for three days services in cleaning and repairing Senate Chamber at the commencement of the session.

T. B. Lame and W. H. Clark. SEC. 129. That T. B. Lame and W. H. Clark be allowed each the sum of six dollars for service rendered in cleaning and repairing Senate Chamber at the commencement of the session.

Jeremiah Shea. SEC. 130. That Jeremiah Shea be allowed the sum of ninety-one dollars and fifty cents for carting documents and newspapers from the capitol to the post office, two trips per day for sixty-one days.

A. M. Puett. SEC. 131. That A. M. Puett be allowed the sum of twenty-seven dollars as fees for witness before the Swamp Land Investigating Committee.

Peace Commissioners. SEC. 132. That Caleb B. Smith, Godlove S. Orth, E. W. H. Ellis, P. A. Hackleman and Thomas Slaughter, be allowed the sum of four hundred dollars each for services as Commissioners to the Peace Congress at Washington City.

A. Haywood. SEC. 133. That A. Haywood be allowed the sum of sixteen dollars and twenty-five cents for repairs done in Senate Chamber.

J. H. Vawter. SEC. 134. That Jas. H. Vawter be allowed the sum of nine dollars for aservices as clerk at the orgnization of Senate.

Geo. W. Pitts. SEC. 135, That George W. Pitts be allowed the sum of twenty-five dollars for three thousand pounds of ice furnished Senate and House of Representatives.

Jos. F. Suit. SEC. 136. That Jos. L. Suit be allowed the sum of one hundred and eighty-three dollars for services as clerk on Committee of Finance.

Thos. Collins Cattle Commissioner. SEC. 137. That Thomas Collins be allowed the sum of one hundred and fifty dollars for services as cattle commissioner to Massachusetts.

Committee to examine southern prison. SEC. 138. That J. R. Slack, J. R. Cobb, S. K. Wolfe, and A. B. Line, be allowed the sum of thirty dollars each for expenses, mileage, &c., on visit as members of Senate Committee to examine Southern Prison.

Reward for delivery of fugitive SEC. 139. That John W. Dodd be allowed the sum of three hundred dollars as the amount of reward paid by him for the delivery of Joseph L. Sweet, charged with the crime

of forgery on the Boone County Bank: *Provided*, That said sum shall be paid out of the fees appropriated by said John W. Dodd without the authority of law: *and provided further*, That said John W. Dodd pay back to the State of Indiana all fees so appropriated by him under the provisions of the third section of the act of 1859, in relation to fees and salaries.

SEC. 140. That Merrill & Co. be allowed the sum of two ~~Merrill & Co.~~ dollars and seventy-five cents for blank books furnished to the Senate.

SEC. 141. That D. C. Anthony be allowed the sum of five ~~D. C. Anthony.~~ dollars as expenses as one of the committee on Mr. Lincoln's reception.

SEC. 142. That the sum of fifteen thousand dollars is ^{For the use of Deaf and Dumb Institute.} hereby appropriated to be expended under the direction of the Board of Trustees and Superintendent of the Institution for the Education of the Deaf and Dumb: *Provided*, That said appropriation shall be used to procure steam boilers of sufficient capacity to heat the whole building: *and provided further*, That after the erection of the boiler house there shall be put up heating apparatus sufficient to warm the school rooms and study rooms of the pupils, so that the furnaces in the basement of the main building may be dispensed with and the buildings rendered secure from fire: *Provided*, That no contract shall be entered into by said Trustees and Superintendent which shall involve a greater expenditure than the amount above appropriated.

SEC. 143. That the sum of one thousand dollars be, and ^{J. P. Bryant.} the same is hereby appropriated to J. P. Bryant to reimburse him for work done and materials furnished in repairing State House, to be drawn upon the certificate of the joint committee of this Legislature to investigate the financial condition of the State; if, in the judgment of said committee, upon investigation, that amount is due him.

SEC. 144. That the principal secretary and the principal clerk of the House be authorized to employ additional enrolling clerks, if necessary, in order to complete the enrolling of the House and Senate bills passed this session; said clerks to be paid for such service as certified by the clerk and principal secretary, not to exceed four dollars per day each. ^{Principal secretary of senate, and clerk of House may employ additional enrolling clerks to complete enrolling.}

SEC. 145. It is hereby declared that an emergency exists for the immediate taking effect of this act. It shall therefore be in force from and after its passage, and the clerk of this House is hereby directed to make out and certify a copy of the same, and deliver it to the Auditor of State. ^{Emergency declared, and duty of clerk of house of representatives.}

CHAPTER VII.

AN ACT to amend section second of an act, entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

[APPROVED MARCH 9, 1861.]

Second section amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section second of an act, entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, which is in the words following, to-wit:

"SEC. 2. Be it further enacted, that any persons may voluntarily associate themselves together for either of the following purposes:

"First. To establish and maintain horticultural, literary or scientific associations.

"Second. To organize military or fire companies.

"Third. To provide suitable grounds for the burial of the dead; for public walks and commons, and to ornament the same with shade trees and shrubbery.

"Fourth. To plant, cultivate and preserve shade trees in the public squares and along the streets of towns.

"Fifth. To organize Masonic or Odd Fellows' Lodges, subordinate to their several Grand Lodges, and also Divisions of the Sons and Daughters of Temperance, or other charitable associations or orders.

"Sixth. To erect and maintain suitable buildings for public meetings. To import horses, cattle, sheep, hogs, or other animals for agricultural purposes," be, and the same is hereby, amended ~~so~~ as to read as follows:

SEC. 9. *Be it further enacted,* That any persons may voluntarily associate themselves together for either of the following purposes:

First. To establish and maintain horticultural, literary, scientific, hotel, or gymnastic associations.

Second. To organize military or fire companies.

Third. To provide suitable grounds for the burial of the dead, for public walks and commons, and to ornament the same with shade trees and shrubbery.

Fourth. To plant, cultivate and preserve shade trees in the public squares and along the streets of towns.

Fifth. To organize Masonic or Odd Fellows' Lodges subordinate to their several Grand Lodges, and also Divisions of the Sons and Daughters of Temperance or other charitable associations or orders, and to organize churches, conferences and religious societies.

Amended to include hotel or gymnastic associations.

Also amended to include organization of churches, &c.

Sixth. To erect and maintain suitable buildings for public meetings.

Seventh. To import horses, cattle, sheep, hogs, and other animals for agricultural purposes.

SEC. 2. As there is no law authorizing the establishment and maintenance of gymnastic associations, an emergency is hereby declared to exist for the immediate taking effect of this act, and that the same shall be in force from and after its passage.

CHAPTER VIII.

AN ACT supplemental to an act to authorize and regulate the business of general banking, approved March 3d, 1855, and to authorize the Auditor and Treasurer of State to surrender securities and moneys deposited, and to declare and pay out a further dividend in certain cases.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where any bank organized under the general banking law of this State, shall have failed to redeem its circulation, and notice shall have been given by the Auditor of State, in one of the newspapers published at Indianapolis, that all the circulating notes issued by such bank would be redeemed by him out of the stocks held by him in trust for that purpose, and one year shall have expired from the date of such notice, the auditor and treasurer of State shall, after having given ninety days' notice by publication in the Indiana State Journal and Sentinel, that the auditor will redeem all the outstanding notes of any such bank at the same rates as the previous notes have been redeemed by the auditor of State upon a dividend by said auditor previously declared, and after having all the notes of any such bank so presented within said ninety days, then said auditor and treasurer shall make, declare and pay out a further dividend of any surplus that may be remaining in the office of said auditor or treasurer belonging to any such bank, to the holders of certificates of any unpaid balance; and if there should be any surplus after having redeemed the outstanding certificates at par, then the stockholders of any such bank, or such bank, may receive such surplus by filing with said auditor a bond in double the

Notice to be given by auditor and treasurer.

Additional dividend to be declared.

Surplus to stockholders by giving bond.

amount so received by said bank, or the stockholders thereof, with sufficient security to redeem the outstanding notes of said bank to the amount so received, that may be returned for redemption within two years from and after the filing of said bond.

Emergency declared.

SEC. 3. Inasmuch as an emergency exists for the immediate taking effect of this act, it is hereby declared that this act shall take effect and be in force from and after its passage.

CHAPTER IX.

AN ACT to amend the third, fourth, sixth, seventh and forty-ninth sections of the act entitled "An act to amend an act to authorize and regulate the business of General Banking," passed March 3d, 1855.

[APPROVED MARCH 9, 1861.]

To amend section three.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That section three of an act entitled "An act to amend an act to authorize and regulate the business of general banking," passed March 3d, 1855, which is in the following words, to-wit:

"Sec. —. That section three of the above recited act, which reads as follows, to-wit:

"Sec. 3. Nothing herein contained shall be so construed as to prevent any banking association from procuring their own plates, dies, and other materials for engraving and printing blank notes, and furnishing them to the Auditor," be amended so as to read as follows, to-wit:

Amend to authorize purchasing plates &c., through auditor of state.

SEC. 3. Nothing herein contained shall be so construed as to prevent any banking association from procuring, through the Auditor of State, their own plates, dies, and other materials for engraving and printing blank bank notes: *Provided*, That said plates, dies, and other materials shall never pass into the possession of any such banking association, but shall be and remain in the possession and under the control of the Treasurer of State.

And section four of said act, which reads as follows:

"Sec. 4. Such bank notes, in blank, so procured or placed in the hands of the Auditor, as aforesaid, shall be of the denominations usually issued by banks—from one dollar to five hundred dollars;

but such notes shall not be of any intermediate number between five and ten dollars; ten and twenty, twenty and fifty, and one hundred dollars: *Provided, however,* That no banking association under this act shall be authorized to issue bills for circulation of less denomination than five dollars; to an amount not exceeding one twentieth of their whole issue: *Provided, further,* That no bank under this act shall be authorized to receive or pay out any note or bill of less denomination than five dollars, issued by any bank or other corporation out of this State," be, and the same is hereby amended so as to read as follows, to-wit:

SEC. 4. Such bank notes, in blank, so procured or placed in the hands of the Auditor, as aforesaid, shall be of the denominations usually issued by banks—from one dollar to five hundred dollars; but such notes shall not be of any intermediate number between five and ten, ten and twenty, twenty and fifty, fifty and one hundred and one hundred and five hundred dollars: *Provided, however,* That no banking association under this act shall be authorized to issue bills or notes for circulation of less denomination than five dollars, to an amount not exceeding one-sixth of their whole issue: *Provided, further,* That no bank, under this act, shall be authorized to receive or pay out any note or bill of less denomination than five dollars, issued by any bank or other corporation out of this State.

SEC. 2. And that section six of the amended act, as aforesaid, which is in the words following, to-wit:

"Sec. 6. Whenever any association of persons, formed under this act, shall legally transfer to the Treasurer of State fifty thousand dollars worth of stocks or bonds, such as hereinafter specified, such association of persons shall be entitled to receive from the said Auditor for every one hundred and ten dollars worth of stocks or bonds thus transferred and deposited, only one hundred dollars in notes, of different denominations, registered and countersigned as aforesaid, to be used by them in the usual course of banking business as money: *Provided,* That if all the persons composing such associations shall be *bona fide* residents of this State, and *bona fide* owners, in their own right, and not in trust for the use or benefit of others, of the stocks or bonds transferred and deposited as aforesaid, then for every one hundred and ten dollars worth of stocks or bonds thus deposited, such association shall be entitled to receive only one hundred dollars in notes, as aforesaid: *and provided, further,* That the aggregate amount of bank circulation, under the provisions of this act, shall not exceed six millions of dollars: *and provided, further,* That no association under this act shall have a greater circulation of notes than two hundred thousand dollars: *Provided, further,* That the bank notes issued by any banking association shall be receivable in payment of any debt or liability due the banking association so issuing such bank notes, and the same rules shall prevail for one year after said transfer of said bank or other stocks thereof to other individuals, for banking purposes, in regard to the debts or liabilities incurred either before or after such transfer," be and the same is hereby amended to read as follows, to-wit:

To amend section four.

To authorize issue of \$5 notes to amount not exceeding one sixth of whole issue.

To amend section six.

Amended to allow bank to draw \$100 of notes for every \$105 worth of stocks deposited.

Majority of associations to be bona fide residents of Indiana.

Banks to deposit bonds of the state of Indiana before 1st day of January 1863 in lieu of those now deposited.

Auditor on application to exchange bonds deposited for Indiana bonds.

To amend section seven.

SEC. 6. Whenever any association of persons, hereafter formed under this act, shall legally transfer to the Treasurer of State fifty thousand dollars worth of stocks or bonds, such as hereinafter specified, such association of persons shall be entitled to receive from the said Auditor, for every one hundred and five dollars worth of stocks or bonds thus transferred and deposited, only one hundred dollars in notes, of different denominations, registered and countersigned as aforesaid, to be by them used in the usual course of banking business as money: *Provided*, That if a majority of all the persons composing such association shall be *bona fide* residents of this State, and *bona fide* owners, in their own right, and not in trust for the use or benefit of others, of the stocks or bonds thus deposited, such association shall be entitled to receive only one hundred dollars in notes or bills as aforesaid: *Provided*, That all banks or associations now doing business by virtue of the provisions of this act, having deposited with the Treasurer of State stocks or bonds other than as aforesaid, be and the same are hereby required to deposit with the Treasurer of State on or before the first day of January, eighteen sixty-three, (1863,) in lieu of such stocks, the stocks or bonds of the State of Indiana, and until such exchange, said banks or associations shall be entitled to receive from said Auditor, for every one hundred and ten dollars worth of such stocks or bonds thus held by the Treasurer of State, one hundred dollars only, in notes, registered and countersigned as aforesaid, to be by them used as money in the usual course of banking business: *Provided, further*, That the bank notes issued by any banking association, shall be receivable in payment of any debt or liability due the banking association so issuing such bank notes, and the same rule shall prevail for one year after said transfer of said bank or other stock thereof, to other individuals for banking purposes, in regard to the debts or liabilities incurred either before or after such transfer: *and provided, further*, That said Auditor shall, upon the application of any such bank or association, exchange any bonds or stocks other than the State of Indiana, held by such bank or association, for the stocks or bonds of the State of Indiana.

SEC. 3. And that section seven of the amended act as aforesaid, which is in the words following, to-wit:

"Sec. 7. Such stock shall consist of any portion of the public debt now created, or hereafter to be created by the United States, or by this State, and chargeable on the Treasury, or such other States of the Union as pay interest semi-annually, or at any less period, on their public debt; but such public debt shall, in all cases, be, or be made to be, equal to a stock producing six per cent. per annum, and it shall not be lawful for the Treasurer to take any stock at a rate above its par value, nor its market value: *Provided*, That whenever

any State whose stock is pledged, in whole or in part, for the redemption of its circulation, shall fail or neglect to pay interest on such bonds or stocks semi-annually, or at any less period than such association shall be required to withdraw the said stocks so failing to pay interest, and to substitute for the same stocks of interest-paying States, or else surrender an amount of its notes equal to the amount of stocks so required to be withdrawn," be and the same is hereby amended so as to read as follows, to-wit:

SEC. 7. Such stocks shall consist of any portion of the public debt now created, or hereafter to be created by the State of Indiana, and chargeable on the treasury thereof, and it shall not be lawful for the treasurer to take any stock at a rate above its par or market value: *Provided*, That whenever any State other than the State of Indiana, whose stock is pledged, in whole or in part, for the redemption of its circulation, shall fail or neglect to pay interest on such bonds or stocks semi-annually, or at any less period, then such association shall be required to withdraw the same stocks or bonds, and to substitute for the same the stocks or bonds of the State of Indiana, or else surrender an amount of its notes equal to the amount of stocks so required to be withdrawn: *and provided, further*, That nothing herein shall affect any banking association now doing business under the provisions of this act, or any bank whose bonds have been sold, prior to the first day of January, 1863.

SEC. 4. That the forty-ninth section of the above recited act, which is in the following words, to-wit:

"Whenever, in the opinion of the Governor, Treasurer, Secretary, and Auditor of State, or a majority of them, any of the banks or banking associations acting under the general banking law of this State, have violated the conditions of section twenty-seven, or thirty, of this act, such fact shall be forthwith conveyed to the said Auditor, who shall immediately proceed to give public notice thereof in two newspapers printed and published in the city of New York, and in two printed and published in the city of Indianapolis, stating in substance that such bank or banking association has failed to comply with the laws of this State regulating general banking, and that the bonds or stocks transferred or deposited in the office of the Treasurer of State by such bank or banking association, will be, within twenty days from the date of the first publication as aforesaid, sold in the city of New York, specifying the precise place, at public auction, by said auditor or his agent; and said auditor, in compliance with said notice, shall sell said stock or bonds, and with the proceeds arising therefrom, redeem the outstanding issues of said bank or banking association, in proportion that the proceeds bear to the said outstanding issues: *Provided, however*, That the place of doing business of any bank henceforth [heretofore] established, may, within six months after the passage of this act, be changed to some other place of greater commercial importance, to be approved by the Governor and Secretary of State, a certificate whereof shall be filed in the office of the Auditor of State, after which the circulating notes of such bank

Stocks not to be taken above market or par value.

Refusing to pay interest.

Bonds sold previous to January, 1863.

To amend section forty-nine.

shall be deemed to be payable at the place designated therein," be and the same is amended so as to read as follows, to-wit:

Association failing to comply with sections twenty-seven and thirty of act of 1855.

Whenever, in the opinion of the Governor, Treasurer, Secretary, and Auditor of State, or a majority of them, any of the banks or banking associations acting under the general banking law of this State, having violated the conditions of sections twenty-seven or thirty of this act, such fact shall be forthwith conveyed to the said auditor, who shall immediately proceed to give public notice thereof in two newspapers printed and published in the city of New York, and in two printed and published in the city of Indianapolis, stating in substance that such bank or banking association has failed to comply with the laws of this State regulating general banking, and that the bonds or stocks transferred or deposited in the office of the Treasurer of State by such bank or banking association, will be, within twenty days from the date of the first publication as aforesaid, sold in the city of New York, specifying the precise place, at public auction, by said auditor or his agent; and said auditor, in compliance with said notice, shall sell said stock or bonds, and with the proceeds arising therefrom, redeem the outstanding issues of said bank or banking associations, in proportion that the proceeds bear to the said outstanding issues, and shall issue and deliver to the person or corporation surrendering the issues of any such association a certificate of the amount of the notes or bills so surrendered, and the denomination thereof, stating the amount paid by said auditor, and the balance due thereon from such bank or association to the persons or corporations so surrendering the issues as aforesaid, which said certificate shall be *prima facie* evidence of the fact therein stated in any action against any such banking association, or any stockholder or stockholders thereof, and an action may be maintained on said certificate for the balance due as therein stated, under and by

Auditor to burn cancelled notes. virtue of the provisions of this act: *and provided, further,*

That the Auditor of State shall, in the presence of the Treasurer of State, when the issues of any such banking association shall be surrendered to said auditor by virtue of the provisions of this act, burn and destroy said issues, notes or bills, and said auditor and treasurer shall sign a certificate specifying the number and denominations of such bills, notes or issues so burned or destroyed, and deliver the same to such bank or association upon application therefor by such bank or association:

Provided, however, That the place of doing business of any bank heretofore established, may within six months after the passage of this act, be changed to some other place of greater commercial importance, to be approved by the Governor and Secretary of State, a certificate whereof shall be

Change of location of bank.

filed in the office of the Auditor of State, after which the circulating notes of such bank shall be deemed to be payable at the place designated therein.

SEC. 5. Whereas, under the present banking law, any banker or banking association may procure his or its own plate and dies, therefore an emergency exists for the immediate taking effect of this act, and it shall take effect and be in force from and after its passage. Emergency declared.

CHAPTER X.

AN ACT to authorize the Bank of the State of Indiana, to lay off and create five additional Bank Districts, and to locate and establish Branches therein.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Bank of the State of Indiana is hereby empowered and authorized in the manner and form prescribed in its charter to lay off and create additional bank districts, not exceeding five in number, and to locate and establish Branches of said Bank in each of said districts.

CHAPTER XI.

AN ACT regulating the assessment and collection of taxes on the capital stock of the Bank of the State of Indiana, and the stock banks of the State of Indiana.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Bank and Branches of the Bank of the State of Indiana, and the stock banks of the State of Indiana, shall be liable to be taxed on their capital stock in the manner hereinafter prescribed. Capital stock to be taxed.

SEC. 2. The president or cashier of each branch of the

Statement of capital stock.

Bank of the State, and the president or cashier of each stock bank of the State of Indiana, shall be required to make out a statement, under oath, of the full amount of the paid in capital of the Bank of which he may be president or cashier, and deliver the same to the auditor of the county wherein such bank has its banking office, or place of business, on or before the first Monday in February of each year.

Duty of auditor.

SEC. 3. Immediately on receiving such statement the county auditor shall proceed to assess upon each bank the amount of taxes due therefrom according to the law upon the subject then in force.

By whom taxes to be paid.

SEC. 4. The amount of taxes so assessed shall be paid by the president or cashier of the banks as aforesaid, out of the funds of the bank, to the treasurer of the county where the bank has its office, in the same manner, and under the same penalties, that individuals are required to pay taxes on personal property.

Repealing conflicting acts.

SEC. 5. All laws and parts of laws heretofore enacted, which are in conflict with this act, are hereby repealed.

Emergency declared.

SEC. 6. An emergency is hereby declared to exist for the immediate taking effect of this act, and therefore the same shall take effect and be in force from and after its passage.

CHAPTER XII.

AN ACT to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal section 7 of an act, approved March 3, 1855, entitled "An act to provide for the erection and repair of bridges," and to repeal an act, entitled "An act to provide for the erection and repair of bridges," approved May 12, 1852.

[APPROVED MARCH 9, 1861.]

Duty of commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever public convenience shall require the erection or repair of any bridge across any stream forming the boundary line between two counties, upon application therefor to the board of county commissioners of either county, such board of county commissioners may, if they deem it expedient, declare their willingness to aid in the erection or repair of such bridge by resolution or order, and shall

cause notice thereof to be given to the board of county commissioners of the other county interested therein, and whenever it may be ascertained that the board of county commissioners of both counties have made such order or resolution, such boards of county commissioners shall, by concurrent resolution, cause a survey and estimates to be made, submitting plans and specifications therewith, by some competent person, to be presented to their respective boards of commissioners at some specified time and place at or near the site of such contemplated bridge, where such boards of county commissioners shall meet in joint session to estimate and determine the kind of bridge which shall be erected, and the manner and time when payment shall be made for the erection or repair of said bridge.

SEC. 2. It shall also be the duty of said boards of county commissioners, while in said joint session, to appoint one or more persons as superintendents, who shall have full control and supervision of the erection and repair of said bridge, subject, however, to such regulations as such boards of county commissioners may determine upon.

SEC. 3. It shall be the duty of such boards of county commissioners, in joint session, to make such appropriation for their respective counties as will make an equitable proportion to each county of the whole cost of construction or repair of such bridge, and such appropriations shall be in proportion to the taxable property of the two counties; and all taxes hereafter levied for the erection, repair or purchase of any such bridge so situate, shall be levied in accordance with the provisions of this act.

SEC. 4. That section seven of "An act to provide for the erection and repair of bridges," and to repeal an act, entitled "An act to provide for the erection and repair of bridges," approved May 12, 1852—approved March 3d, 1855, be, and the same is hereby, repealed.

SEC. 5. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Superintendent
to be appointed.

Appropriations
for counties.

Repealing form-
er acts.

Emergency de-
clared.

CHAPTER XIII.

AN ACT to amend an act, entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

[APPROVED MARCH 11, 1861.]

~~Section twenty-six amended.~~ SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section 26 of the above entitled act, which reads as follows, viz:*

"Sec. 26. All other officers elected or appointed shall perform the duties incident to their respective offices as required by this act, and the by-laws and ordinances of such city made in pursuance thereof," be, and the same is hereby, amended so as to read as follows, viz:

~~Amended to allow fees.~~

The city attorney shall be allowed a docket fee in all cases tried before the mayor or city judge for violations of the city ordinances, or upon appeals from the judgments to the Circuit or Common Pleas Court, when he appears in person or by deputy, as follows, viz: Docket fee before the mayor or city judge, on a plea of guilty, two dollars.

Docket fee before the mayor or city judge, upon a plea of not guilty, four dollars.

Docket fee in cases in the Circuit Court or Court of Common Pleas, upon appeal or a plea of guilty, two dollars and fifty cents.

Docket fee in cases in the Circuit Court or Court of Common Pleas, or appeal upon a plea of not guilty, five dollars.

And he shall be allowed such salary in addition as the Common Council may in their discretion allow; and all other officers, elected or appointed, shall perform the duties incident to their respective offices as required by this act and the by-laws and ordinances of such city, made in pursuance thereof, but in no case shall the city be liable or responsible for any costs or fees of any officers thereof, in any cases tried before the mayor or city judge, where the defendant has been acquitted or the costs not collected.

~~Section forty-one amended.~~

SEC. 2. That section 41 of the above entitled act, which reads as follows, viz:

"Sec. 41. If the penalty or forfeiture in which judgment is obtained is not paid or received, the defendant may be committed for any period not exceeding thirty days to the work-house of said city; or

if said city have no work-house, then to the county prison of the county in which such city is situated; and, in the latter case, it shall be the duty of the person having charge of such prison to receive such defendant, and obey the judgment of the city or mayor's Court in reference to him or her; and in default of payment or replevy of such judgment and costs, the defendant, unless a female, may be adjudged and required to pay the same by manual labor, in said work-house, or in the streets, or other public works of said city under the control of the street commissioner or marshal of said city; for which labor said defendant shall be allowed, on such judgment and costs, sixty cents per day. It shall be the duty of such street commissioner or marshal to work said defendant not less than eight or more than ten hours per day, according to the season, and each evening to return him to the custody of the keeper of such prison or work house, and upon the full payment as aforesaid of said judgment and costs, said defendant shall be fully discharged; and said street commissioner and marshall are hereby authorized and required to perform all the duties herein prescribed, and to use all proper means thereto; and the keeper of such prison or work-house shall receive for the keeping, custody and boarding of said defendant fifty cents per day," be, and the same is hereby amended so as to read as follows:

SEC. 41. If the penalty or forfeiture in which judgment obtained is not paid or replevied, the defendant may be committed for any period not exceeding thirty days to the work-house of said city; or if said city have no work-house, then to the county prison of the county in which such prison is situated; and, in the latter case, it shall be the duty of the person having charge of such prison to receive such defendant, and obey the judgment of the city or mayor's court in reference to him or her; and in default of payment, or the replevying of such judgment and costs, the defendant, unless a female, may be adjudged and required to pay the same by manual labor in said work-house or in the streets, or other public works of said city, under the control of the street commissioner or marshal of said city, for which labor said defendant shall be allowed on such judgment and costs seventy-five cents per day. It shall be the duty of such street commissioner or marshal to work said defendant not less than six nor more than ten hours per day, according to the season, and each evening to return him to the custody of the keeper of such prison or work-house; and upon the full payment as aforesaid of said judgment and costs said defendant shall be fully discharged; and said street commissioner or marshal are hereby authorized and required to perform all the duties herein prescribed, and the Common Council are hereby vested with full authority to pass by-laws and ordinances for the purpose of compelling the enforcement of such manual labor by such defendant, by the use of such sufficient force and means as to them may seem right and proper; and the keeper of such prison or work-house shall receive for the keeping, custody and

Seventy-five
cents per day
to convict for
labor

Fifty cents per day to prison keeper.

boarding of said defendant fifty cents per day, to be paid by such city upon the presentation of an itemized account therefor; and he shall receive only one commitment and one discharging fee, and said defendant may at any time replevy and pay such judgment and costs.

Section forty-two amended.

SEC. 3. That section 42 of the above entitled act, which reads as follows:

"Sec. 42. The Common Council shall have power to levy and cause to be assessed and collected, in each year, an *ad valorem* tax of not more than one per centum, for general purposes, on all property subject to State and county taxation within such city, and, also, a specific tax on omnibuses, or carriages and other vehicles used and run for passengers for hire, unless the same be licensed; and on each dog owned by any resident of such city of not more than two dollars, and on each bitch owned by any resident of such city of not more than five dollars; and, also, a poll tax not exceeding fifty cents on every male inhabitant, sane and not a pauper, of the age of twenty-one years, and not exceeding fifty years, residing therein," be, and the same is hereby, amended so as to read as follows:

Stocks of free banks &c., to be taxed.

SEC. 42. The Common Council shall have power to levy and cause to be assessed and collected in each year an *ad valorem* tax of not more than one per centum for general purposes, on all property subject to State and county taxation within such city, and also upon the stocks of all free banks, insurance companies, and other joint stock companies doing business within such city, the said tax to be assessed and levied upon the stock of each individual shareholder of said companies and banks, whether said shareholders reside within such city or elsewhere; and also a specific tax on omnibuses or any carriages and other vehicles used and run for passengers for hire, unless the same be licensed; and on each dog, owned by any resident of such city, of not more than two dollars; and on each bitch, owned by any resident of such city, of not more than five dollars; and also a poll tax not exceeding fifty cents on every male inhabitant [sane] and not a pauper, of the age of twenty-one years, and not exceeding fifty years, residing therein.

Section forty-four amended.

SEC. 4. And that section forty-four, which reads as follows, viz:

"Sec. 44. The Common Council, together with the assessor, shall constitute the board of equalization of such city, and shall, within one month after the assessment roll has been returned, at a stated meeting thereof; of which at least two weeks' notice shall be given, hear and decide all complaints in relation thereto, and shall equalize the same as right and justice may require, and shall have the power to equalize the *calculations* [valuations] made by such assessor, either by adding to or deducting from any valuation made as aforesaid, such sum [as to them,] or a majority of them, may appear just and equitable. The Common Council shall then proceed to fix the amount and

rate of tax to be levied on property and polls within such city," be, and the same is hereby, amended so as to read as follows:

SEC. 44. The Common Council, together with the assessor, shall constitute the board of equalization of such city, and shall, within one month after the assessment roll shall have been returned, at a stated and regular meeting thereof, of which at least two weeks' notice shall be given, to hear and decide all complaints in relation thereto, and shall equalize the same as right and justice may require, and shall have power to equalize the valuations made by such assessor, either by adding to or deducting from any valuation made as aforesaid such sum as to them, or a majority of them, may seem just and equitable. The Common Council shall then proceed to fix the amount and rate of tax to be levied on property and polls within such city, and also as provided in the 42d section of this act; and the Common Council shall have power at any time to correct erroneous assessments that shall be proven and made apparent to them; and they may at any time order the amount erroneously assessed against any tax payer to be refunded to him.

SEC. 5. That section 66 of the above entitled act, which reads as follows, to-wit:

"Sec. 66. When the owners of two-thirds of the whole line of lots bordering on any street or alley, in any city, or a part of any street or alley not less than one whole square between any two streets crossing the same, and measuring only the front line of such lots as belong to persons resident in such city, shall petition to the Common Council to have the sidewalks graded and paved, or the width of the street graded and paved, or for either kind of improvement in general, or for lighting such city according to the general plan of such improvement in said city, the Common Council may cause the same to be done by contract, given to the best bidder, after advertising to receive proposals therefor," be, and the same is hereby amended so as to read as follows:

SEC. 66. When the owners of two-thirds of the whole line of lots or parts of lots bordering on any street or alley in any city, or a part of any street or alley consisting of one whole square between any two streets crossing the same, or if the Common Council deem it expedient, for any reasonable distance upon any square or alley, less than one whole square or block, and measuring only the front line of such lots as belong to persons resident in such city, shall petition the Common Council to have the sidewalks graded and paved, or the whole width of the streets graded or paved, or for either kind of improvement, or for a full improvement in general, or for lighting such city according to the general plan of such improvement in said city, the Common Council may cause

Relative to
erroneous as-
sessments.

Section sixty-
six amended.

Property owners to repair sidewalks &c.

the same to be done by contracts given to the best bidder, after advertising to receive proposals there for. And the Common Council shall have power to compel the owner or owners of a lot, or a part of a lot, on any street or alley, or upon any part of any street or alley, to repair the sidewalks in front of their respective lots, or parts of lots; and in case the owner or owners of any lot, or part of a lot, or any street or alley, or any part thereof, fail or refuse to repair the sidewalk in front of their lots, the Common Council may cause such repairs to be made by the street commissioner at the cost and expense of the owner or owners of such lot or lots—and the city shall have a lien on such lot or lots for the reimbursement to her of the cost of such improvement, and the Common Council are hereby invested with full powers to pass by-laws and ordinances providing how and in what manner the repairs shall be made, in what manner the same shall be assessed and collected from such owner or owners, and the manner in which the lien of the city for the expense incurred by her may be enforced against the lot or lots of such owner or owners.

Emergency declared.

SEC. 6. It is hereby declared that an emergency exists for the taking effect of this act; and therefore this act shall take effect and be in force from and after its passage.

CHAPTER XIV.

AN ACT to authorize and require Clerks of the Circuit Court and Court of Common Pleas to enter satisfaction of certain mortgages foreclosed in such Courts, and providing compensation therefor.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That upon the foreclosure of any mortgage in the Court of Common Pleas, or the Circuit Court of any county in this State, and upon the payment and satisfaction of such judgment, as may be rendered in such proceeding in foreclosure, in said Court, the Clerk thereof shall immediately thereafter, enter satisfaction of said mortgage, on the records of the Recorder's office of such county, if the same shall have been recorded: *Provided,* That the record in foreclosure, and satisfaction thereof, shall show that the whole debt, secured by such mortgage, has been paid.

SEC. 2. Such Clerk shall tax a fee of forty cents in each case of foreclosure, requiring satisfaction, which shall be paid as other costs in such cases; twenty cents of which he shall pay to the Recorder for his services, retaining twenty cents for his own services.

SEC. 3. This act shall authorize clerks to enter satisfaction of such mortgages as come within the provisions of the first section of this act, heretofore foreclosed and not satisfied.

CHAPTER XV.

AN ACT providing for the allowance of compensation to clerks of the Circuit and Common Pleas Courts and Sheriffs for extra services, and to repeal all laws inconsistent therewith.

[APPROVED MARCH 11th, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of County Commissioners shall annually allow the clerk and sheriff of their respective counties an annual compensation for extra services as such, not exceeding *one hundred dollars* each: but no such allowance shall be made to either of those officers until he shall have filed a detailed statement of his charges, *with items and dates*, and taken and subscribed an oath or affirmation to the truth thereof. The Board may then make such reasonable allowance as they deem proper, but in no event to exceed the sum above named; which allowance shall be in full of all compensation for extra and other services where no certain fee is fixed by law.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. It is hereby declared that an emergency exists, and therefore this act shall take effect and be in force from and after its passage.

CHAPTER XVI.

AN ACT fixing the time of holding the Circuit Court in the First Judicial Circuit, and repealing all laws in conflict therewith, and making all writs, summonses, and process returnable thereto.

[APPROVED MARCH 7, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the several Circuit Courts of the First Judicial Circuit of the State of Indiana, shall be held as follows, to-wit:*

Time for holding in Ohio Co. In the county of Ohio, on the second Mondays of February and August of each year.

In Ripley. In the county of Ripley, on the Mondays succeeding the courts in the county of Ohio.

In Jennings. In the county of Jennings, on the Mondays succeeding the courts in the county of Ripley.

In Jefferson. In the county of Jefferson, on the Mondays succeeding the courts in the county of Jennings.

In Bartholomew. In the county of Bartholomew, on the Mondays succeeding the courts in the county of Jefferson.

In Brown. In the county of Brown, on the Mondays succeeding the courts in the county of Bartholomew.

In Switzerland. In the county of Switzerland, on the Mondays succeeding the courts in the county of Brown.

Length of terms. SEC. 2. The said courts, if the business require it, shall sit in the counties of Ohio, Ripley, Jennings, Bartholomew and Switzerland, two week each; in the county of Brown, one week; in the county of Jefferson, four weeks.

When process returnable. SEC. 3. All process returnable to the next term of any of the courts aforesaid, as heretofore fixed, is hereby made returnable to the next term of said court, as fixed by this act, and all orders of court and publications, as well as recognizances, having reference to the next terms of said Circuit Courts, shall be taken as having reference to said next terms respectively, as fixed by this act, and all persons shall take notice of the times of holding said courts as herein fixed.

Conflicting laws repealed. SEC. 4. All laws controverting the provisions of this act are hereby repealed.

Emergency declared. SEC. 5. Inasmuch as the courts in said circuit are about to commence, and will be holden before the regular publication of the laws of the present session of the General Assembly, it is therefore declared that an emergency exists for the immeditate taking effect of this act. It shall, therefore, take effect and be in force from and after its passage and publica-

tion in the Indiana State Journal and State Sentinel, and the Secretary of State is hereby directed to forward a copy of this act to each of the clerks of said courts.

NOTE—Published in Daily State Journal and Sentinel, March 9, 1861.

CHAPTER XVII.

AN ACT to repeal all laws, now in force, establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, be and they are hereby repealed. Conflicting laws repealed.

SEC. 2. The Circuit Courts in the Second Judicial Circuit shall be held as follows, to-wit:

In Scott county, on the first Mondays of February and August and Time of holding in Scott Co.

In Jackson county, on the second Mondays of February and August. In Jackson.

In Orange county, on the fourth Mondays of February and August. In Orange.

In Lawrence county, on the first Mondays of March and September. In Lawrence.

In Washington county, on the third Mondays of March and September. In Washington.

In Harrison county, on the fourth Mondays of March and September. In Harrison.

In Clark county, on the second Mondays of April and October. In Clark.

In Floyd county, on the fourth Mondays of April and October. In Floyd.

The court shall sit in the counties of Scott, Orange and Washington, one week; in the counties of Jackson, Lawrence, Harrison and Clark, two weeks; and in the county of Floyd, four weeks, if the business shall require it. Length of terms.

When process
returnable.

SEC. 3. All process returnable to the next term of any of the courts aforesaid, as heretofore fixed, is hereby made returnable to the next terms of said courts as fixed by this act, and all orders of court and publications, as well as recognizances, having reference to the next terms of said courts, shall be taken as having reference to said next terms respectively, as fixed by this act, and all persons shall take notice of the times of holding said courts, as herein fixed.

Emergency de-
clared.

SEC. 4. Whereas, an emergency exists requiring this act to take effect on the first day of June, 1861, it shall therefore take effect and be in force from and after said date, and it shall be the duty of the Secretary of State to send a copy of this act to each of the clerks of said Circuit Courts.

CHAPTER XVIII.

AN ACT to fix the time of holding the Circuit Courts in the Seventh Judicial Circuit, composed of the counties of Hancock, Hamilton, Madison, Delaware, Tipton, Howard and Blackford, and repealing all laws in conflict therewith.

[APPROVED FEBRUARY 9, 1861.]

Time of holding
and length of
terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the Circuit Courts in said circuit shall be held as follows, namely:*

In the county of Hancock, on the second Mondays in February and August, in each year, and shall sit, if the business thereof require it, till the close of the weeks immediately preceding the first Mondays in March and September, of each year.

In the county of Hamilton, on the first Mondays in March and September, in each year, and may sit for two weeks.

In the county of Tipton, on the third Mondays in March and September, in each year, and may sit for two weeks.

In the county of Madison, on the fifth Mondays in March and September, in each year, when there shall be that number of Mondays in said months—when less Mondays than five it shall sit the first Mondays of April and October, in each year, and may sit for three weeks.

In the county of Delaware, on the Mondays immediately following the adjournment of the Madison Circuit Court, and may sit for three weeks.

In the county of Howard, on the Mondays in May and November, in each year, immediately following the adjournment of the Delaware Circuit Court, and may sit for two weeks.

In the county of Blackford, on the first Mondays in June and December, in each year, and may sit for one week.

SEC. 2. All parties in said Circuit Courts, and all witnesses, jurors, officers or other persons concerned, shall take notice of this act; all writs or notices that may have been issued, or served before the taking effect of this act, in relation to matters now pending in any of said courts, are hereby made returnable to the first day of the next term of said courts, as fixed by this act, and all suits, recognizances, motions, rules and other proceedings, which at the time of taking effect of this act, shall be pending in any of said courts, shall be acted upon therein, in the same manner as if this act had been in force at the time they were taken, commenced or instituted.

SEC. 3. All acts contravening the provisions of this act are hereby repealed.

SEC. 4. Inasmuch as the business of some of said courts is behind, in consequence of not having a sufficient length of time allowed them for the transaction of business, an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage and publication in the Indianapolis Daily Journal and Daily State Sentinel, and it is hereby made the duty of the Secretary of State to forward a copy thereof to each of the clerks of said courts.

NOTE—Published in Daily Journol and Sentinel February 14, 1861.

CHAPTER XIX.

AN ACT to amend section one of an act, entitled "An act fixing the time for holding the Circuit Courts in the 12th Judicial Circuit, regulating the terms thereof and repealing all laws inconsistent therewith," approved March 2, 1859.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section one of said act, which reads as follows to-wit:*

"SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the time for holding the Circuit Courts in the Twelfth Judicial Circuit be fixed as follows: Said Courts in said Circuit shall com-*

When process returnable.

Acts conflicting repealed.

Emergency declared.

mence in the county of Benton on the first Mondays of March and September in each year, and hold one week, if the business require it; in the county of Jasper on the Mondays succeeding the Courts in the county of Benton, and hold two weeks if the business thereof require it; in the county of White on the Mondays succeeding the Courts in the county of Jasper, and hold two weeks if the business thereof require it; in the county of Tippecanoe on the Mondays succeeding the Courts in the county of White, and hold as long as the business thereof may require," be amended to read as follows:

How amended
and length of
terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time for holding the Circuit Courts in the Twelfth Judicial Circuit be fixed as follows: Said Courts in said Circuit shall commence in the county of Benton on the first Mondays of March and September, in each year, and hold one week, if the business thereof require it; in the county of Jasper on the Mondays succeeding the Courts in the county of Benton, and hold two weeks if the business thereof require it; in the county of White on the Mondays succeeding the Courts in the county of Jasper, and hold two weeks, if the business thereof require it; in the county of Newton on the Mondays succeeding the Courts in the county of White, and hold for one week, if the business thereof shall require it; in the county of Tippecanoe on the Mondays succeeding the Courts in the county of Newton, and hold as long as the business thereof may require; all parties in said Courts and all witnesses, jurors, officers, or other persons concerned shall take notice of this act, and all writs, notices or other process that may have been issued or served in relation to any matter pending, or that may hereafter be pending, in said Courts before this act shall take effect, and not finally determined, are hereby made returnable to the first day of the next term of said Court after the taking effect of this act.

When process
returnable.

Emergency de-
clared.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, in order that the business of said White and Tippecanoe counties may be properly prepared by the officers thereof, it shall therefore be in force and take effect from and after its passage, and the Secretary of State shall immediately forward copies of the same to the clerks of said White and Tippecanoe Circuit Courts.

CHAPTER XX.

AN ACT fixing the time for holding the Circuit Courts in the Thirteenth Judicial Circuit, regulating the length of the terms thereof, and repealing all laws inconsistent therewith.

OFFICE OF THE SECRETARY OF STATE; }
Indianapolis, March 17, 1861. }

This law was filed in my office on Monday, March 11th, 1861, at 5 o'clock, P. M., without the approval of the Governor, or his objections being filed thereto; and that hour, being after the general adjournment of the Legislature, nor have his objections been filed at this date.

W. A. PEELE,
Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time for holding the Circuit Courts in the Thirteenth Judicial Circuit be fixed as follows: Said Courts shall commence in the county of Wayne on the first Mondays of February and August; in the county of Randolph on the sixth Mondays succeeding the Courts in the county of Wayne; in the county of Jay the spring term shall commence on the third Monday succeeding the Court in Randolph, and the fall term shall commence on the second Monday of October; in the county of Henry the spring term shall commence two weeks succeeding the Court in Jay, and the fall term one week succeeding the Court in Jay.

SEC. 2. The continuance of the terms of Court in the several counties in the Thirteenth Circuit shall be as follows, to-wit: In the county of Wayne the Court shall sit six weeks, if the business thereof require it; in the county of Randolph three weeks, if the business thereof require it; in the county of Jay, at the spring term, two weeks, and at the fall term one week, if the business thereof require it; and in the county of Henry so long as the business thereof requires.

SEC. 3. All writs, subpœnas, venires, rules, orders of Court, recognizances, publications and process, of whatever nature which have issued in any of said Courts, or which may hereafter issue before the commencement of said terms, shall be deemed and taken to be, and are hereby, made returnable on the first day of said terms, as provided for in this act.

SEC. 4. All laws and parts of laws coming in conflict with the provisions of this act, be, and the same are hereby, repealed.

CHAPTER XXI.

AN ACT to repeal an act, entitled "An act to amend the first section of an act providing for extending the terms of Circuit Courts, by adjournment, when the pending business shall be unfinished, approved February 12, 1855, to authorize the Court or judge to call and hold special terms, and to fix the compensation of the judge for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same," approved December 24, 1858, and to legalize all judgments, orders and decrees of the special terms of said Court, held under the provisions of the act hereby repealed.

[APPROVED MARCH 11, 1861.]

Preamble.

WHEREAS, The above entitled act has been published among the acts of the General Assembly of the State of Indiana, passed at the special session of 1858, notwithstanding that the Senate declared by a resolution thereof, that in the opinion of the Senate said act was not entitled to be regarded as a law, and was null and void, for the reason that the same had never passed the Senate in that form.

AND WHEREAS, A number of the judges of the several Circuit Courts of the State have treated said act as a valid law, and have held Courts under the same. Therefore,

Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act to amend the first section of an act, entitled "An act providing for extending the terms of Circuit Courts, by adjournment when the pending business shall be unfinished, approved February 12, 1855, to authorize the Court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same," be, and the same is hereby repealed.

Act legalized.

SEC. 2. All orders, judgments and decrees pronounced by any such Circuit judge, at any special or adjourned term, are hereby legalized.

Emergency declared.

SEC. 3. It is declared that an emergency exists for the taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

CHAPTER XXII.

AN ACT to provide for struck juries in the Circuit and Common Pleas Court.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever a struck jury shall be deemed necessary for the trial of any civil cause in any Circuit or Common Pleas Court of this State, it shall be lawful for either party to file with the clerk a demand for such jury, when it shall be the duty of such clerk to give four days notice to both parties, or to their attorneys, of the time of striking the same; at the time designated said clerk shall attend at his office and in presence of the parties, or of such of them as shall attend for that purpose, shall select from the number of persons qualified to serve as jurors within the county, forty such persons as he shall think most indifferent between the parties and best qualified to try such cause; and then the party requiring such jury, his agent or attorney, shall first strike off one of the names, and the opposite party, his agent or attorney, another; and so on alternately until each shall have struck out twelve. If either party shall not attend in person or by attorney, it shall be the duty of the clerk to strike out for the party not attending. When each party shall have stricken out twelve names as aforesaid, the clerk shall make a fair copy of the names of the remaining sixteen persons, and immediately thereafter issue process directing the sheriff of the county to summon said sixteen persons as jurors struck for the trial of such cause, stating the day for which it is set for trial, and such sheriff shall thereupon summon accordingly: but in all cases it shall be necessary to strike such jury at least five days previous to the day at which said case is set for trial on the docket, and two days service of the process by the sheriff shall be held sufficient. And upon the trial of the cause the jury so struck shall be called as they stand upon the panel, and the first twelve of them who shall appear, and are not challenged for cause or set aside by the court, shall be the jury, and shall be sworn to try said issue: *Provided, however,* That unless at least one-half of such struck jury shall have been summoned and shall be in attendance when such cause is called for trial, the case shall be tried by the regular petit jury, as other cases.

SEC. 2. That if the clerk of such court shall be interested in the cause, or related to either of the parties, or do not stand

Duty of clerk when interested in suit.

indifferent between them in every such case, the judge entitled to try said cause may, in vacation or term time, name some judicious and disinterested person to strike the jury, and to do and perform all things required to be done by such clerk relating to the striking of such jury.

Party requiring
struck jury to
pay costs.

SEC. 3. That the party requiring such struck jury, shall pay the fees for striking the same, and one dollar and twenty-five cents each day for each juror so attending, and shall not have any allowance therefor in the taxation of costs, unless the court shall be of opinion that the cause required such special jury, in which last case the extraordinary expense shall be taxed in the bill of costs.

Struck jury may
be continued.

SEC. 4. That a jury struck for the trial of a cause at any term of the court, may be continued with the continuance of the cause, and be summoned in as jurors at a subsequent term, provided both parties consent thereto, but not otherwise.

CHAPTER XXIII.

AN ACT to amend section three hundred and fifty-two of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

[APPROVED MARCH 9, 1861.]

Section 352
amended.
Amended at
item eight.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section three hundred and fifty-two of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, which reads as follows:

"Sec. 352. A new trial may be granted in the following cases:

First. Irregularity in the proceedings of the court, jury or prevailing party, or any order of court or abuse of discretion, by which the party was prevented from having a fair trial.

Second. Misconduct of the jury or prevailing party.

Third. Accident or surprise which ordinary prudence could not have guarded against.

Fourth. Excessive damages.

Fifth. Error in the assessment of the amount of recovery, whether too large or too small, when the action is upon a contract or for the injury or destruction of property.

Sixth. That the verdict or decision is not sustained by sufficient evidence, or is contrary to law.

Seventh. Newly discovered evidence material for the party applying, which he could not with reasonable diligence have discovered and produced at the time.

Eighth. Error of law occurring at the trial, and excepted to by the party making the application, but not more than two new trials shall be granted in the same cause to the same party," be and the same is hereby amended to read as follows:

SEC. 352. A new trial may be granted in the following cases, and upon the following terms:

First. Irregularity in the proceedings of the court, jury or prevailing party, or any order of court or abuse of discretion, by which the party was prevented from having a fair trial.

Second. Misconduct of the jury or prevailing party

Third. Accident or surprise, which ordinary prudence could not have guarded against.

Fourth. Excessive damages.

Fifth. Error in the assessment of the amount of recovery, whether too large or too small, where the action is upon a contract or for the injury or detention of property.

Sixth. That the verdict or decision is not sustained by sufficient evidence, or is contrary to law.

Seventh. Newly discovered evidence material for the party applying, which he could not with reasonable diligence have discovered and produced at the trial.

Eighth. Error of law occurring at the trial and excepted to by the party making the application; but not more than two new trials shall be granted to the same party in the same cause; and the court, in granting new trials, may allow the same at the costs of the party applying therefor, or on the costs abiding the event of the suit, or a portion of the costs, as the justice and equity of the case may require, taking into consideration the causes which may make such new trial necessary.

CHAPTER XXIV.

AN ACT to amend the thirty-third section of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

[APPROVED MARCH 9, 1861.]

To amend section thirty-three.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the thirty-third section of the act, the title whereof is above cited, and which is in the words following, viz:

"In all other cases the action shall be commenced in the county where the defendants, or one of them, has his usual place of residence. When there are several defendants residing in different counties, the action may be brought in any county where either defendant resides, and a separate summons may be issued to any other county where the other defendants may be found; and in cases of non-residents, or persons having no permanent residence in the State, action may be commenced and process served in any county where they may be found," be, and the same is hereby, amended to read as follows, to-wit:

In all other cases, the action shall be commenced in the county where the defendants or one of them has his usual place of residence. Where there are several defendants residing in different counties, the action may be brought in any county where either defendant resides, and a separate summons may be issued to any other county where the other defendants may be found; and in cases of non-residents or persons having no permanent residence in the State, action may be commenced and process served in any county where they may be found. But any action brought by the assignee of a claim arising out of contract, whether assigned in writing or by delivery, shall be commenced in the county where one or more of the parties immediately liable to judgment and execution reside, and not elsewhere: *Provided*, That this act shall not apply to suits pending at the time of the taking effect of this act.

Action by assignee of claim.

Emergency declared.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage and publication in the Indianapolis Daily Journal and Daily State Sentinel.

NOTE.—Published in Daily Journal, March 22, 1861, and in Daily Sentinel, March 23, 1861.

CHAPTER XXV.

AN ACT to amend section three hundred and fifteen of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of practice, without distinction between law and equity," approved June 18th, 1852.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section three hundred and fifteen of the act to which this is an amendment, which reads as follows, to-wit:

"Every action shall stand for issue and trial at the first term after it is commenced when the summons has been served on the defendant ten days, or publication has been made sixty days before the first day of the term," shall be, and the same is hereby amended to read as follows, to-wit:

Every action shall stand for issue and trial at the first term after it is commenced, when the summons has been served on the defendant ten days, or publication has been made for thirty days before the first day of the term.

CHAPTER XXVI.

AN ACT to amend the second section of an act, entitled an act to amend the two hundred and seventh and two hundred and eighth sections of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction, between law and equity," approved June 18th, 1852, so as to authorize a change of venue in certain cases, approved March 5th, 1859.

OFFICE OF THE SECRETARY OF STATE, }
Indianapolis, March 17, 1861. }

This law was filed in my office on Monday, March 11th, 1861, at

5 o'clock, P. M., without the approval of the Governor, or his objections being filed thereto; and that hour, being after the general adjournment of the Legislature, nor have his objections been filed at this date.

W. A. PEELE,
Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of the act, the title whereof is recited in the title of this, which is in the words following, to-wit:

Amended section recited.

"That the two hundred and eighth section of the act named in the title of this act, which section reads as follows, to-wit:

"Sec. 208. That when a change of venue is directed, the clerk of the Court in which the suit is pending shall forthwith transmit the papers and a transcript of the proceedings to the clerk of the Court to which the venue is changed, the party applying for the change, first paying the costs thereof, and the clerk of the proper Court shall receive the papers and transcript, giving a receipt therefor, and docket the action in its order among the other causes of the Court; and the action shall stand for trial at the first term, and shall be tried in the same manner as if the cause had originated in that Court," be, and the same is hereby, amended to read as follows, to-wit:

"When a change of venue is directed for any of the causes mentioned in the third, fourth and fifth specifications named in section two hundred and seven, the clerk of the Court in which the suit is pending shall forthwith transmit the papers and transcript of the proceedings to the clerk of the Court to which the venue is changed, the party applying for the change, first paying the costs thereof, and the clerk of the proper [Court] shall receive the papers and transcript, giving a receipt therefor, and docket the action in its order among the other causes of the court, and the action shall stand for trial at the first term, and shall be tried in the same manner as if the cause had originated in that Court; and upon the granting of such change of venue for any of the causes mentioned in the first, second, sixth and seventh specifications of section two hundred and seven, the judge shall appoint a time to hold said trial, which shall not be less than sixty days from that time; and it shall be his duty to call some judge of the Circuit Court or of the Supreme Court, if such case be in the Circuit Court, and if in the Common Pleas Court, any judge of the Supreme Court or Common Pleas Court, to try said cause, who shall try the same, as if the same had originally been brought before him," be, and the same is hereby, amended to read as follows, to-wit:

Duty of clerk when change granted.

SEC. 1. When a change of venue is directed for any of the causes mentioned in the third, fourth and fifth specifications named in section two hundred and seven, the clerk of the Court in which the suit is pending shall forthwith transmit the papers and a transcript of the proceedings to the clerk of the Court to which the venue is changed, the party applying for a change first paying the costs thereof, and the clerk of the proper Court shall receive the papers and transcript, giving a receipt therefor, and docket the action in its order

among the other causes of the Court, and the action shall stand for trial at the first term, and shall be tried or otherwise disposed of in the same manner as if the cause had originated in that Court, and if a party applying for a change of venue shall fail to perfect the same ten days before the first day of the next term of the Court to which the change is taken, or within such time as the Court shall prescribe in the order granting the change, said party shall pay all the costs made in the case up to the time of such failure, and upon the granting of such change of venue for any of the causes mentioned in the first, second, sixth and seventh specifications of section two hundred and seven, the judge shall appoint a time to hold said trial, which shall not be less than sixty days from that time; or it may be tried at the same term the change is made, and it shall be his duty to call some judge of the Court of Common Pleas, Circuit Court, or of the Supreme Court, if such case be in the Circuit Court, and if in the Common Pleas Court any judge of the Supreme, Circuit, or Common Pleas Court to try said cause, who shall try or continue the same, or change the venue thereof, as if it had originally been brought before him. When a change of venue is granted by a special judge, the Court to which the change is taken, shall have power to call the same or any other judge to try the cause at a regular or special term, according to the provisions of this act, in the same manner as if originally commenced therein—only one change of venue shall be granted to the same party.

When change granted, special judge may be called.

SEC. 2. It is declared that an emergency exists for the immediate taking effect of this act; it shall therefore take effect from and after its passage.

Emergency declared.

CHAPTER XXVII.

AN ACT in relation to witnesses and to repeal section 238 of article 13, of the act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force.

OFFICE OF THE SECRETARY OF STATE.

This law was filed in my office on Monday, March 11th, 1861, at 5

o'clock, P. M., without the approval of the Governor, or his objections being filed thereto, that hour being after the general adjournment of the Legislature, nor have his objections been filed at this date.

W. A. PEELLE,

Secretary of State.

Indianapolis, March 17, 1861.

Section 238 of
article 13, &c.,
repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section 238, in article 13, of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, be, and the same is hereby repealed.*

Who competent
witnesses.

SEC. 2. Every free white person of competent age shall be a competent witness in any civil cause or proceeding, and no person shall be disqualified as a witness by reason of interest in the event of that or any other suit, or because such person is a party in said action or proceeding. Any person a party in the action may testify in his own behalf or in behalf of any other party or parties therein, and any one person or party in a suit may compel any other person or party therein to testify under the same regulations as other witnesses may be compelled, and the interest in the suit of any witness shall be regarded only as to his or her credibility, and shall not affect his or her competency.

Who incompe-
tent under cer-
tain circum-
stances.

SEC. 3. Persons insane at the time of examination, children under ten years of age and incapable of properly understanding the facts about which they are examined; husband and wife as to matters for or against each other, or as to communications made to each other during marriage; attorneys at law as to confidential communication from a client or advice given to such clients; physicians as to any matters confided to them in the course of the duties of their profession; clergymen concerning any confessions made to them in the course of discipline enjoined by the Church, shall not, in either case, be included in the second section of this act, or be competent witnesses, unless with the consent of the party making such confidential communications: *Provided*, That where a negro, Indian, or person excluded on account of mixed blood is a party to a cause, his opponent shall also be excluded: *And provided further*, That in all suits where an executor, administrator, or guardian is a party in a case where a judgment may be rendered either for or against the estate represented by such executor, administrator, or guardian, neither party shall be allowed to testify as a witness, unless required by the opposite party or by the Court trying the cause, except

in cases arising upon contracts made with the executor, administrator, or guardian of such estate.

SEC. 4. All laws and parts of laws coming in conflict with the provisions of this act are hereby repealed. Repealing clause.

SEC. 5. That an emergency exists for the immediate taking effect of this act, and therefore the same shall take effect and be in force from and after its passage, and in all actions tried thereafter all Courts shall be governed thereby. Emergency declared.

CHAPTER XXVIII.

AN ACT to provide for numbering the several Districts of the Courts of Common Pleas of the State of Indiana.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of properly designating the several Districts of the Courts of Common Pleas of the State of Indiana.

First. District composed of the counties of Posey, Van- 1st district. derburg, Warrick and Gibson, shall be designated and known as the first district.

Second. District composed of the counties of Knox, Da- 2nd district. viess, Pike and Martin, shall be designated and known as the second district.

Third. District composed of the counties of Spencer, Per- 3rd district. ry, Dubois, Crawford and Orange, shall be designated and known as the third district.

Fourth. District composed of the counties of Harrison, 4th district. Floyd, Washington, Clark and Scott, shall be designated and known as the fourth district.

Fifth. District composed of the counties of Jefferson, 5th district. Switzerland, Ohio, Ripley and Dearborn, shall be designated and known as the fifth district.

Sixth. District composed of the counties of Franklin, Fay- 6th district. ette, Union and Wayne, shall be designated and known as the sixth district.

Seventh. District composed of the counties of Jackson, 7th district. Jennings, Bartholomew and Lawrence, shall be designated and known as the seventh district.

Eighth. District composed of the counties of Morgan, 8th district.

Johnson, Shelby, Monroe and Brown, shall be designated and known as the eighth district.

8th district.

Ninth. District composed of the counties of Greene, Clay, Owen and Putnam, shall be designated and known as the ninth district.

10th district.

Tenth. District composed of the counties of Vigo, Parke, and Sullivan, shall be designated and known as the tenth district.

11th district.

Eleventh. District composed of the counties of Rush, Henry, Hancock and Madison and Decatur, shall be designated and known as the eleventh district.

12th district.

Twelfth. District composed of the counties of Marion, Hendricks and Boone, shall be designated and known as the twelfth district.

13th district.

Thirteenth. District composed of the counties of Montgomery, Vermillion, Fountain and Warren, shall be designated and known as the thirteenth district.

14th district.

Fourteenth. District composed of the counties of Hamilton, Tipton, Clinton, Howard and Grant, shall be designated and known as the fourteenth district.

15th district.

Fifteenth. District composed of the counties of Tippecanoe, Benton, White and Carroll, shall be designated and known as fifteenth district.

16th district.

Sixteenth. District composed of the counties of Lake, Porter, Jasper, Newton, Starke and Pulaski, shall be designated and known as the sixteenth district.

17th district.

Seventeenth. District composed of the counties of Laporte, Marshall, St. Joseph and Elkhart, shall be designated and known as the seventeenth district.

18th district.

Eighteenth. District composed of the counties of Randolph, Delaware, Jay and Blackford, shall be designated and known as the eighteenth district.

19th district.

Nineteenth. District composed of the counties of Lagrange, Steuben, De Kalb, Noble and Whitley, shall be designated and known as the nineteenth district.

20th district.

Twentieth. District composed of the counties of Allen, Adams, Huntington and Wells, shall be designated and known as the twentieth district.

21st district.

Twenty-First. District composed of the counties of Cass, Miami, Fulton, Kosciusko and Wabash, shall be designated and known as the twenty-first district.

And when ever necessary to designate or refer to the same for judicial or other purposes, it shall only be necessary to designate by their respective numbers.

CHAPTER XXIX.

AN ACT to amend section forty-two of an act entitled "An act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14th, 1853, so as to regulate the docketing and disposal of the business thereof, and the act amendatory thereto, approved March 5th, 1859.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section forty-two of the first above mentioned act, which reads as follows, to-wit:

"Sec. 42. The business before said court shall be docketed and disposed of in the following order, to-wit:

First. The criminal business.

Second. The business connected with the settlement of estates and the probate of wills and guardianships.

Third. Other business in said court."

And the act amendatory thereto, approved March 5th, 1859, which reads as follows:

"Sec. 42. The business before said courts shall be docketed and disposed of in the following order, to-wit:

First. The first and second days of each term of said court shall be set apart for the disposal of business connected with the administration and settlement of estates, the probate of wills and guardianships, and making up issues in civil cases, and the trial of causes when the intervention of a jury is waived.

Second. The criminal business.

Third. Other business in said court." Shall be amended to read as follows:

SEC. 42. The business before said court shall be docketed and disposed of in the following order, to-wit:

Amended section forty-two recited.

First. The criminal business.

Second. The business connected with the administration and settlement of estates, and the probate of wills and guardianships.

Amended, courts make certain rules.

Third. Other business connected with said court.

The Court of Common Pleas shall have power to make rules directing in what order business shall be docketed and disposed of, and upon what day of the term the jury shall be summoned.

SEC. 2. An emergency exists for the immediate taking effect of this act. It is therefore declared to be in force from and after its passage.

Emergency declared.

CHAPTER XXX.

An ACT to repeal an act entitled "An act to provide for the return of the jury in the Common Pleas Court at the third day of the term, approved March 5, 1859, and to authorize the judges of the Courts of Common Pleas, to fix the order of business in such Court, and the day on which the jury shall be summoned to appear in such court," approved March 5th, 1859.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act to provide for the return of the jury in the Common Pleas Court at the third day of the term, and to authorize the judges of the Courts of Common Pleas to fix the order of business in such court, and the day on which the jury shall be summoned to appear in such court," approved March 5th, 1859, be and the same is hereby repealed. The Court of Common Pleas may fix the order in which business shall be docketed and disposed of, and the day on which the jury shall be summoned.

SEC. 2. An emergency existing for the immediate taking effect of this act, it is hereby declared to take effect and be in force from and after its passage.

CHAPTER XXXI.

AN ACT to amend section fifteen of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

[APPROVED MARCH 9, 1861.]

Section fifteen
recited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section fifteen of said act, which reads as follows, to-wit:

"Sec. 15. In the county of Benton, on the first Mondays of January, May and September; in the county of White, on the second Mondays of January, May and September; in the county of Carroll, on the fourth Mondays of January, May and September; and in the county of Tippecanoe, on the third Mondays of March, June and December. Said Courts shall, if the business require it, sit in Benton one week, White two, Carroll three, at each term, and in Tippecanoe as long as the business shall require it," shall be and the same is hereby amended so as to read as follows:

SEC. 15. In the county of Benton, on the first Mondays of January and May, and on the Monday preceding the first Monday of September. Amend times of holding and length of terms.

In the county of White, on the second Mondays of January, May and September.

In the county of Carroll, on the fourth Mondays of January, May and September; and in the county of Tippecanoe, on the third Mondays of March, June and December. Said courts shall, if the business thereof require it, sit in Benton one week, White two, Carroll three, at each term, and in Tippecanoe while the business shall require it.

SEC. 2. It is hereby declared that an emergency exists Emergency declared. for the immediate taking effect of this act: the same shall therefore be in force from and after its passage.

CHAPTER XXXII.

AN ACT to amend section seven of an act entitled, "An act to fix the times for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, so as to change the times of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section seven of an act entitled "An act to fix the times of holding Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas

Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, which reads as follows, to-wit:

"Sec. 7. In the county of Jennings, on the first Mondays in February, June and November; in the county of Lawrence, on the first Mondays of January, May and October; in Jackson county, on the second Mondays in January, May and October; and in the county of Bartholomew, on the fourth Mondays of February, June and November; and the courts shall sit, at each term in said counties, two weeks, if the business thereof require it," be and the same is hereby amended to read as follows, to-wit:

Amended to change times of holding &c. SEC. 1. In the county of Jennings, on the first Mondays in February, June and November.

In the county of Lawrence, on the first Mondays in January, May and October.

In the county of Jackson, on the third Mondays in January, May and October; and in the county of Bartholomew, on the third Mondays in February, June and November: and said courts shall sit two weeks at each term thereof, in each of said counties, if the business shall require it.

Process, when returnable. SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, publications and process whatever, which may issue from any of the Common Pleas Courts in the said county of Jackson, shall be deemed and taken to be, and are hereby made returnable on the first day of the first term to be holden in said county by virtue of this act.

Emergency declared. SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act: it is therefore declared that the same shall take effect and be in force from and after its passage, and publication in the Indiana Sentinel and Indiana State Journal.

NOTE.—Published in Daily Journal, March 22, 1861, and in Daily Sentinel, March 23, 1861.

CHAPTER XXXIII.

AN ACT to amend the eighth section of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the same shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

[APPROVED MARCH 11th, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the eighth section of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the same should take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, which reads as follows, to-wit:

"Sec. 8. In the county of Morgan, on the first Monday of February, June and October; in the county of Johnson, on the third Mondays in February, June and October; and in the county of Shelby, on the first Mondays of March, July and November; in the county of Brown, on the fourth Mondays of March, July and November; in the county of Monroe, on the first Mondays in April, August and December; and the terms of said courts in Morgan, Johnson, Shelby and Monroe, shall continue two weeks if the business require it, and one week in Brown, if the business require it," shall be amended to read as follows, to-wit:

SEC. 8. In the county of Morgan, on the first Mondays in February, June and October. Amended to change times of holding &c.

In the county of Johnson, on the third Mondays in February, June and October.

In the county of Shelby, on the first Mondays of March, July and November.

In the county of Brown, on the fourth Mondays in March, July and November; and in the county of Monroe, on the first Mondays of April, August and December, and the terms of said court in the counties of Morgan, Johnson and Monroe shall continue two weeks if the business require it, in the county of Shelby three weeks, if the business require it, and in the county of Brown one week, if the business require it.

SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, publications and process whatever, which may

have issued from the Common Pleas Courts in the counties of Brown and Monroe, shall be deemed and taken to be, and are hereby made returnable on the first days of the first terms to be holden by virtue of this act.

Emergency declared.

SEC. 3. Inasmuch as the Court of Common Pleas in the counties of Shelby, Brown and Morgan will sit after the passage of this act, and before the same can be filed in the several counties of this State; and whereas, the business pending before said court in the county of Shelby cannot be gone through with for the want of time, it is therefore declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage.

CHAPTER XXXIV.

AN ACT to amend the fifth section of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

[APPROVED MARCH 9, 1861.]

Section five re-cited.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That section five of an act, entitled "An act to fix the times of holding the Common Pleas Courts of the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, which is in the words following, to-wit:

"Sec. 5. In the county of Ohio on the first Monday of January, May and September; in the county of Dearborn on the third Mondays in January, May and September; in the county of Ripley on the first Mondays of February, June and October; in the county of Switzerland on the third Mondays of February, June and October; and in the county of Jefferson on the first Mondays in March, July and November; and the terms of said Courts shall, if the business require it, be, in Jefferson county, three weeks, and in Ohio, Dearborn,

Ripley and Switzerland counties, each two weeks," be, and the same is hereby amended to read as follows, to-wit:

SEC. 5. In the county of Ohio on the second Monday of January, May and September; in the county of Ripley on the third Mondays of January, May and September; in the county of Dearborn on the second Mondays of February, June and October; in the county of Switzerland on the second Mondays of March, July and November; in the county of Jefferson on the third Mondays of April, August and December; and the terms of said Court shall, if the business require it, be, in the counties of Jefferson and Dearborn, each four weeks, and in Ohio county one week, and in Ripley and Switzerland counties each two weeks.

SEC. 2. It is hereby declared that an emergency exists for the taking effect of this act from and after the first day of April, 1861; therefore the same shall take effect and be in force from and after the day last aforesaid.

CHAPTER XXXV.

AN ACT to amend the 16th section of an act, entitled "An act to fix the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, so as to provide for the holding of said Common Pleas Court in the county of Newton.

[APPROVED MARCH 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the 16th section of the act, entitled "An act to fix the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith" approved March 5th, 1859, which reads as follows, to-wit:

"Section 16. In the county of Lake on the first Mondays of January, May and September of each year; in the county of Porter on the Mondays succeeding the Courts in the county of Lake; in the county of Starke on the Mondays succeeding the Courts in the county of Porter; in the county of Pulaski on the Mondays succeeding the Courts in the county of Starke; in the county of Jasper on the Mondays succeeding the Courts in the county of Pulaski; and the terms of said Courts shall be, if the business require it, two weeks in Porter and Jasper, and one week each in the other counties," be, and the same is hereby amended so as to read as follows, to-wit:

Amended to
change time of
holding, &c.

SEC. 16. In the county of Lake on the first Mondays of January, May and September of each year; in the county of Porter on the Mondays succeeding the Courts in the county of Lake; in the county of Starke on the Mondays succeeding the Courts in the county of Porter; in the county of Pulaski on the Mondays succeeding the Courts in the county of Starke; in the county of Newton on the Mondays succeeding the Courts in the county of Pulaski; in the county of Jasper on the Mondays succeeding the Courts in the county of Newton; and the terms of said Court shall be, if the business require it, two weeks in the counties of Porter and Jasper, and one week each in the other counties. And whereas there is no provision for the holding of said Court in the county of Newton, it is hereby declared that an emergency exists, this act shall be in full force from and after its publication in the Indianapolis Journal and Indiana State Sentinel.

Emergency de-
clared.

NOTE—Published in Daily State Journal March 5, 1861, and in Daily Sentinel March 9, 1861.

CHAPTER XXXVI.

AN ACT to amend section nineteen of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, &c.," approved March 5, 1859.

[APPROVED FEBRUARY 15, 1861.]

Section nine-
teen recited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section nineteen of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms

thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, which is in the following words, to-wit:

"In the county of Lagrange, on the third Mondays in April, August and December; in the county of Steuben, on the first Mondays in January, May and September; in the county of DeKalb, on the third Mondays in January, May and September; in the county of Noble, on the first Mondays in February, June and October; and in the county of Whitley, on the third Mondays in February, June and October, and the terms of said court in said counties shall be two weeks each, if the business require it," be and the same is hereby amended to read as follows, to-wit:

The said Courts of Common Pleas shall hold their terms in the county of Lagrange, on the third Mondays in April, August and December. Amended to change time of holding &c.

In the county of Steuben, on the first Mondays in January, May and September.

In the county of DeKalb, on the third Mondays in January, May and September.

In the county of Noble, on the first Mondays in February, June and October, and in the county of Whitley, on the third Mondays in February, June and October, excepting for the year 1861: that during the year 1861, said courts in said Whitley county, shall commence and hold their terms on the first Monday in April, and the third Mondays in June and October, and at the expiration of said year 1861, said courts shall commence in said county on the third Mondays in February, June and October, as first herein specified, and that all the terms of said courts in said counties may continue two weeks at each term, if the business therein require it; and further, that all writs of summons, subpoenas, venires, rules, orders of court, recognizances, publications and process of any kind whatever, made returnable to, or operative at the February term of said court for said county of Whitley for the year 1861, shall be for that year returnable by the proper persons to the April term herein above provided for, and all of said orders, publications, recognizances and rules, shall be of full force and effect at said April term of said court, in all respects and for all purposes, the same as if originally made with reference to said April term. Process, when returnable.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act; it is therefore declared that the same shall be in force and take effect from and after its passage. Emergency declared.

CHAPTER XXXVII.

AN ACT to amend section first of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.

[APPROVED JANUARY 26, 1861.]

Section one re-
cited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section first of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, which reads as follows:

"Sec. 1. In the county of Vanderburgh, on the first Monday in January, May and September in each year; in the county of Gibson, on the Mondays succeeding the courts in Vanderburgh; in the county of Warrick, on the Mondays succeeding the courts in the county of Gibson; in the county of Posey, on the Mondays succeeding the courts in Warrick. The terms in Vanderburgh shall be four weeks; and in the counties of Gibson, Warrick and Posey two weeks," be amended so as to read as follows:

Amended to
change time of
holding &c.

SECTION 1. In the county of Vanderburgh, on the first Monday in January, May and September, in each year.

In the county of Warrick, on the third Monday in February, June and October.

In the county of Posey, on the first Monday in March, July and November; and in the county of Gibson, on the third Monday in March, July and November. The terms in Vanderburgh shall be four weeks, and in the counties of Warrick, Posey and Gibson two weeks each.

Process, when
returnable.

SEC. 2. All parties in said courts, and all witnesses, jurors, officers, or other persons concerned shall take notice of this act; all writs, summonses, or notices that may have been issued or served before the taking effect of this act in relation to matters now pending in any of said courts, are hereby made returnable to the first day of the next term of said court, as fixed by this act, and all suits, recognizances, motions, rules and other proceedings which at the time of the taking effect of this act shall be pending in any of said courts, shall be

acted upon therein in the same manner as if this act had been in force at the time they were taken, commenced or instituted.

SEC. 3. It is hereby declared that an emergency exists for ^{Emergency de-}clared. the immediate taking effect of this act; it shall therefore be in force from and after its passage, and publication in the Indiana Journal and State Sentinel.

NOTE—Published in Daily Journal and Sentinel January 30, 1861.

CHAPTER XXXVIII.

AN ACT to amend section twenty-one of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, and prescribing when this act shall take effect.

[APPROVED FEBRUARY 1, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section twenty-first of the above recited act, which reads as follows:*

"In the county of Wabash on the first Mondays of February, June and November; in the county of Miami on the first Mondays of March and July, and the fourth Monday of November; in the county of Cass on the fourth Mondays of March and July, and the third Mondays of December; in the county of Fulton on the third Mondays of April and the second Mondays of August and January; and in the county of Kosciusko on the first Mondays in May and September, and the fourth Mondays in January; and the terms of said Courts, if the business thereof require it, shall be held in Wabash, Cass and Miami each three weeks, in Kosciusko two weeks, and in Fulton one week, if the business require it," be so amended as to read as follows:

In the county of Wabash on the second Monday of February and the first Mondays of June and November; in the county of Miami on the first Mondays of March and July and the fourth Monday of November; in the county of Cass on the fourth Mondays of March and July and the third Mondays of December; in the county of Fulton on the third Mondays of April and the second Mondays of August and January; and the county of Kosciusko on the first Mondays in May and September and the fourth Mondays in January; and the terms of said Courts, if the business thereof require it, shall be held in Wabash, Cass and Miami each three weeks,

except at the February term of the Wabash Court of Common Pleas, which shall sit two weeks; in Kosciusko two weeks, and in Fulton one week, if the business require it.

Process, when returnable.

SEC. 2. All writs, subpœnas, venires, rules, orders of Court, recognizances, publications and process whatever which may have issued from the Wabash Court of Common Pleas, shall be deemed and taken to be, and are hereby, made returnable on the first day of the February term of the said Wabash Court of Common Pleas, to be holden in virtue of this act.

Emergency declared.

SEC. 3. Inasmuch as there is a conflict in the time of holding Courts in the counties of Wabash and Kosciusko, at the February term of the Wabash Common Pleas Court, an emergency exists for the taking effect of this act; this act shall therefore take effect and be in force from and after its passage.

CHAPTER XXXIX.

AN ACT to amend the 4th section of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and providing for the return of process to the terms fixed by this act, and declaring when this act shall take effect.

[APPROVED MARCH 11, 1861.]

Section four recited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the fourth section of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, which reads as follows:

"Sec. 4. In the county of Washington on the first Mondays of January, May and September; in the county of Clark on the third Mondays of January, May and September; in the county of Scott on the first Mondays of February, June and October; in the county of Harrison on the second Mondays of February and June, and on the fourth Monday of October; and in the county of Floyd on the fourth Mondays of February, June and November; and the terms thereof, if the business require it, shall be, in Scott one week; in Clark, Washington and Harrison two weeks each; and in Floyd three weeks," be, and the same is hereby, amended so as to read as follows:

SEC. 4. In the county of Scott on the fourth Mondays of November, March and July.

In the county of Washington on the second Mondays of December, April and August.

In the county of Harrison on the fourth Mondays of December, April and August.

In the county of Clark on the second Mondays of January, May and September.

In the county of Floyd on the fourth Mondays of January, May and September.

If the business require it, said Court shall sit in Floyd county three weeks, and in said other counties named in this section, two weeks each.

SEC. 2. All writs, venires, subpoenas, rules, orders of Court, recognizances, publications and process whatever, which may have issued from any of the Common Pleas Courts in the counties named in the next preceding section, shall be deemed and taken to be, and are hereby, made returnable to the first terms fixed by this act.

SEC. 3. Whereas an emergency exists requiring this act to take effect on the first day of July, 1861, it shall therefore take effect and be in force from and after said date, and the Secretary of State is hereby required to transmit a copy of this act to the clerk of each of the Courts named in this act.

CHAPTER XL.

AN ACT to amend an act, entitled "An act to amend the 6th section of an act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852, which latter act was approved February 16th, 1859.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one of said act, which reads as follows, to-wit:

"Such commissioners shall meet at the Court House in each county on the first Mondays in March, June, September and December, in each year, and in counties whose population is under ten thousand, such Commissioners may sit six days at such term; but if the population exceeds ten thousand, they may sit nine days if the business requires it; the enumeration to be fixed by the last census of the United States or by the State; but if the Circuit Court shall meet on any of the before mentioned days, the Commissioners may meet in the Auditor's office," be so amended as to read as follows:

Such Commissioners shall meet at the Court House in each

Amended to lengthen terms.

county on the first Mondays in March, June, September and December in each year, and in counties whose population is under ten thousand such Commissioners may sit six days at such term. In counties whose population exceeds ten thousand, and is under thirty thousand, they may sit nine days, but in counties whose population exceed thirty thousand, such Commissioners may sit fifteen days, if the business of the term requires it, the enumeration to be fixed by the last census of the United States, or the latest enumeration by the State.

Emergency declared.

SEC. 2. Whereas an emergency exists for the taking effect of this act, it is hereby declared that the same shall take effect and be enforced from and after its passage and publication in the Indiana and Sentinel.

NOTE.—Published in Daily Journal and Sentinel March 13, 1861.

CHAPTER XLI.

AN ACT to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith.

[APPROVED MARCH 11, 1861.]

Tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be annually assessed and collected, as State and county revenues are assessed and collected on the list of taxable property for State purposes, and on taxable polls such sums as may be required by law; *Provided, however,* That the taxes aforesaid shall not be levied and collected from negroes nor mulattoes, nor shall their children be included in any enumeration required by this act, nor entitled to the benefits of said tax.

Proviso.

What to constitute common School Fund.

SEC. 2. The funds heretofore known and designated as the surplus revenue funds, all funds heretofore appropriated to Common Schools, the Saline Fund, the Bank Tax Fund, the fund which has been or may be derived from the sale of county seminaries and the property belonging thereto, the moneys and property heretofore held for such seminaries, all fines assessed for breaches of the penal laws of this State, all forfeitures which may accrue, all lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance, all lands which may have been or may be hereafter granted to the State, when no special object is expressed in the grant, and the proceeds of the sales thereof, and the

proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the 28th of September, 1850, after deducting the expenses of selecting and draining the same, the taxes which may from time to time be assessed upon the property of corporations for Common School purposes, the fund arising from the 114th section of the charter of the State Bank of Indiana, shall be denominated the Common School Fund, the income of which, together with the taxes mentioned and specified in the first section of this act, and the money and income derived from licenses for the sale of intoxicating liquors, and unclaimed fees, as provided by law, shall be denominated the Common School revenue for tuition; the whole of which is hereby appropriated and shall be applied exclusively to furnishing tuition in the Common Schools of the State, without any deduction for the expense of collection or disbursement.

SEC. 3. The several counties of this State shall be held liable for the preservation of so much of said fund as is or may have been entrusted to them, and for the payment of the annual interest thereon at the rate established by law, and the payment of interest shall be full and complete every year, and shall so appear in the Auditor's report to the Superintendent of Public Instruction; and the Superintendent of Public Instruction shall, at any time, when he discovers from the report that there is a deficit in the amount collected for want of prompt collection, direct the attention of the Board of County Commissioners and the County Auditor to that fact, and said Boards of County Commissioners are hereby authorized and required to provide for such deficit in their respective counties.

SEC. 4. Each civil township, and each incorporated town and city in the several counties of the State, is hereby declared a distinct corporation for school purposes, and the trustees for such townships, and the trustees provided for in the next section of this act, shall, for their township, town or city, be trustee, and perform the duties of clerk and treasurer for school purposes.

SEC. 5. The lawful voters of the several incorporated towns and cities of the State shall, at their next regular corporation election, and biennially thereafter, elect for the corporation a school trustee who shall, before entering upon the duties of his office, take and subscribe an oath and give a bond, similar to the oath and bond required of the township trustee, both of which shall be disposed of in the same manner which is provided for the disposition of the oaths and bonds of township trustees; *Provided*, That nothing herein contained shall be so construed as to prohibit incorporated cities and towns from electing more than one trustee for school purposes, and the said cities and towns shall have power in accordance with their ordinances, or special charters, to direct in case more

Income of fund
applied only to
tuition.

Counties liable
for fund.

School corpora-
tions.

School officers of
incorporated
towns and cities.

than one trustee is elected, which one shall be treasurer for school purposes, and said treasurer shall be governed by all the provisions of this act.

Auditor to require sufficient bond of trustees.

SEC. 6. The County Auditor, in fixing the penalty and approving and accepting the bonds of any such trustees, shall see to their sufficiency to secure the School revenues which may come into their hands, as well as the ordinary township or other revenues; and in case of a vacancy in the office of trustee, the County Auditor shall appoint a person to fill the same, who shall take an oath and give bond as provided in the last preceding section; and said Auditor shall report to the Superintendent of Public Instruction the name and post office address of each trustee.

Duties of trustee.

SEC. 7. The trustee, as treasurer, shall receive all school revenues belonging to his township, town or city, or which may be apportioned to it by the State for the support of schools, and pay out the same for the purposes for which they are collected or apportioned; he shall keep accurate accounts of his receipts and expenditures, and settle with the Board of County Commissioners at least once in each year, and as much oftener as they may require, and on such settlement, such trustee shall render an account current with the proper vouchers, and his charge for services in writing, which account, vouchers and charges shall be verified by affidavit; and upon a failure of such treasurer to discharge any of the duties required of him by law relative to the schools and school revenues, the Board of county Commissioners shall cause suit to be instituted against him on his official bond; and in case of recovery against him, the court rendering the judgment shall assess upon the amount thereof ten per cent. damages to be included in said judgment.

Trustees to keep a record of their proceedings.

SEC. 8. The trustees shall keep a record of their proceedings relative to the schools, including all orders and allowances on account thereof; including also accounts of all receipts and expenditures of school revenue, distinguishing between the special school revenue belonging to their township, town or city, and the school revenue for tuition which belongs to the State, and by it apportioned to their township, town or city for tuition, which revenue they shall not permit to be expended for any other purpose than tuition, nor even for that purpose in advance of its apportionment to their respective corporations.

School revenue not to be expended in advance of apportionment.

Trustees to employ teachers.

May establish graded schools.

SEC. 9. The trustees shall take charge of the educational affairs of their respective townships, towns and cities, employ teachers subject to the provisions hereinafter mentioned, and shall establish and conveniently locate a sufficient number of schools for the education of the children therein, and build or otherwise provide suitable houses furniture and apparatus for said schools. They may also establish graded schools or such

modifications of them as may be practicable; and provide for admission into the higher departments of the graded school from the primary schools of their townships, such pupils as are sufficiently advanced for such admission. They shall have the care and management of all property, real or personal, belonging to their respective corporations for common school purposes, except the Congressional township school lands, which lands shall be under the care and management of the trustee of the civil township in which such lands are situated.

SEC. 10. All schools in a township shall be taught an equal length of time, without regard to the diversity in the number of pupils at the several schools or the cost of the school, and each of said schools shall be numbered by the proper trustee as School number —.

SEC. 11. The trustees of the several townships, towns and cities shall have power, with the concurrence of the board of commissioners of their respective counties, to levy a special tax in their respective townships, towns or cities, for the construction, renting or repairing of school houses, and for providing furniture and school apparatus and fuel therefor, and for the payment of other necessary expenses thereof, except for tuition; but no such tax shall exceed the sum of twenty-five cents on each one hundred dollars' worth of taxable property, and fifty cents on each poll, in any one year. And any tax-payer who may choose to pay to the treasurer of the township, town or city wherein said tax-payer has property liable to taxation, any amount of money, or furnish building materials for the construction of school houses, or furniture or fuel therefor, shall be entitled to a receipt therefor from the trustee of said township, town or city, which shall exempt such tax-payer from any further taxes for said purposes, until the taxes of such tax-payer, levied for said purposes, would, if not thus paid, amount to the sum or value of the materials so furnished, or amount so paid; *Provided*, That said building materials, or furniture and fuel shall be received at the option of the said trustee.

SEC. 12. The trustees shall, between the first of July and the first of September in each year, make an enumeration of the children within their respective townships, towns or cities, between the ages of five and twenty-one years, and excluding married persons. In making said enumeration, the trustee shall list the names of the parent, guardian or head of family having charge of such children, and against each name, in appropriate columns, he shall enter the whole number of such children in charge of the person named, the number of males, the number of females, the number of the school district in which such person is attached for school purposes, and shall designate by numbers and initials the Congressional township in which such person resides, including in said list and enu-

Schools to be taught an equal length of time.

Trustees may levy a tax.

May receive donations in advance of future taxes and give a receipt therefor.

Proviso.

Manner of making enumeration.

Districts elective, but the choice not annual.

Proviso.

Who are voters at school meetings.

Trustees may transfer scholars from one township to another.

meration the names and children of such persons as have been transferred from their township, town or city, to adjoining territory, and excluding therefrom the names and children of such persons as have been transferred from their township, town or city, to adjoining territory. And upon the first enumeration after the taking effect of this act, the trustee taking the same shall enquire of all persons having charge of the children thus enumerated to which school they desire to attach themselves; and upon making their selection, such persons, together with the legal voters hereinafter provided for, shall be considered as forming the district or association for school purposes of the school selected, and none shall be allowed thereafter to attach themselves to, or have the privilege of, any other school, but by the consent of the trustee, for good cause shown; *Provided*, that at subsequent enumerations the same inquiry shall be made of each person having charge of children, whose residence has been changed, or whose children have become liable to be enumerated for the first time since the last previous enumeration; *And Provided*, further, that nothing in this act shall be so construed as to deny persons the privilege of attending the public schools, on account of their being more than twenty-one years of age; *And Provided*, further, that any legal voter, whether having the charge of children or not, may attach himself to any school by making a request therefor upon the trustee at any time before closing the enumeration.

SEC. 13. All persons attached to the district for school purposes, including widows who have charge of children, (and all legal voters,) who may have attached themselves to such district at the time of the enumeration, shall be voters at all school meetings.

SEC. 14. When persons can be better accommodated at the school of an adjoining township, incorporated town or city, the trustee of the township, town or city in which such persons reside, shall, if such persons so request at the time of making the enumeration transfer them, for educational purposes, to such township, town or city, and notify the trustee thereof of such transfer, which notice shall furnish the enumeration of the children of the persons so transferred. And each trustee shall, with his report of the enumeration, report distinctly the persons transferred to, or from, his township, town or city, for school purposes, indicating in said report the number of children in charge of the persons transferred, with the same particularity that is observed in the enumeration; and it shall be lawful for the trustee of the township to which said territory may be transferred, to locate and build school-houses upon any territory of such adjoining township so transferred, the same as if such territory were a part of the civil township to which the same is attached.

SEC. 15. Each person so transferred for educational purposes to a township, town or city, shall pay to the treasurer of such township, town or city (when a tax is levied therein for the purposes aforesaid,) a sum equal to the tax levied, computing the same upon the property of such person in the township, town or city where he resides, according to the valuation thereof, by the proper assessor, and in default of such payment, shall be debarred from educational privileges in the township, town or city to which he may have been transferred, and the trustee thereof shall notify the trustee of the township, town or city in which he resides, of such exclusion.

PERSONS transferred to be taxed for school purposes in the township to which they are transferred.

SEC. 16. Each trustee shall, on or before the first day of September, annually report to, and file with, the school examiner of the proper county, a copy of his said list and enumeration, with his affidavit endorsed thereon, to the effect that the same is, to the best of his knowledge and belief, full and accurate, and that the enumeration does not include persons who are less than five nor more than twenty-one years of age.

Trustee to file with examiner his list of enumeration.

SEC. 17. When a Congressional township is located in two or more counties, the proper trustee for each portion thereof in the several counties, shall report at the same time, and in like manner, as provided in the last preceding section, to the school examiner of the county in which the Congressional township school fund of such township is held in trust and managed.

When a congressional township is divided by a county line the trustee of each part to report to the examiner of the county in which its fund is managed.

SEC. 18. The township trustees and the school trustees of incorporated towns and cities, shall immediately after their annual settlement with the county commissioners in March, make a full statement of all their proceedings, receipts and expenditures for the year preceding, relative to their schools, and shall cause the same to be published in some newspaper, if any is printed within their jurisdiction, or by posting the same in three public places in their respective townships or corporate limits.

Trustees to publish statement of their receipts and expenditures.

SEC. 19. To enable the trustees to make reports which are required of them by this act, the teacher of each school, whether in township, town or city, shall, at the expiration of the term of the school for which such teacher shall have been employed, furnish a complete report to the proper trustee, verified by affidavit, showing the number of the teachers employed, male and female, and their daily compensation, the number of scholars admitted during the term, distinguishing between males and females, and between the ages of five and twenty-one, and those over the age of twenty-one years, the average attendance, books used, and branches taught, and number of pupils engaged in the study of each branch; and until such report shall have been so filed, such trustees shall not pay more than 75 per cent. to such teacher for services.

Teachers to report to township trustees.

Trustees to report to the school examiner.

SEC. 20. The trustee shall, at the time of making his report to the school examiner of the enumeration of the children, report and furnish the statistical information obtained from the teachers of the schools of their respective townships, towns and cities, and embody in a tabular form the following additional items: The number of districts; schools taught and their grade; teachers, male and female; average compensation of each class; whole amount paid for tuition; average length of schools; school-houses erected during the year and cost of the same; number of volumes in the library, and the number taken out during the year ending on the first day of September, and also the number of volumes added to the library; assessment on each one hundred dollars of taxable property and each poll of special tax for school-house erection, and amount of such levy; number of acres and value of unsold Congressional school lands and income therefrom, together with such other information as may be called for by the school examiner and Superintendent of Public Instruction. Failure on the part of the trustees to make the aforesaid report at the time specified shall subject the township to a diminution of twenty-five dollars of its next apportionment of the Common School revenue, which shall be withheld by the Auditor when he makes such apportionment, and such delinquent trustee shall be chargeable therewith and liable on his bond for the amount so withheld by the Auditor, which amount shall be added by the Auditor to the sum for apportionment and apportioned therewith.

Forfeiture for failure of trustee to make report.

SEC. 21. If a trustee shall fail to discharge any of the duties of his office relative to the schools, any person may maintain an action against him for every such offense, in the name of the State of Indiana, and may recover for the use of the Common School fund any sum not exceeding ten dollars, which sum, when collected, shall be paid into the county treasury and added by the county auditor to said fund, and reported accordingly.

Action against township trustee.

SEC. 22. Any person elected or appointed such trustee who shall fail to qualify and serve as such, shall pay the sum of five dollars, to be recovered as specified in the preceding section, for the use therein named, and in like manner added to said fund, unless such person shall have previously served as such trustee.

Directors how chosen.

SEC. 23. The inhabitants, whether residing in or out of the township, who shall have designated any school in such township as the one to which they desire to be attached, as provided in section twelve of this act, shall meet annually on the first Saturday of October at the school-house, if there be any; if not, at some convenient place, to be designated in the notice of such meeting, and choose one of their number direc-

tor of such school, who, before entering upon the discharge of his duties, shall take an oath faithfully to discharge the same. The director so elected shall, within ten days after said election, notify the trustee of his election, and in case of failure to elect, the trustee shall forthwith appoint a director of said school; but any director so appointed may be removed upon a petition of three-fourths of the persons attached to said school, who are entitled to vote at school meetings.

SEC. 24. Other meetings of such inhabitants may be held at any time, upon the call of the director or any five of the inhabitants. Meetings other than the annual may be held.

SEC. 25. At least five days' notice shall be given of such school meeting, by posting notices in five public places in the vicinity, but no meeting shall be illegal for want of such notice, in the absence of fraud; such school meetings shall have power to designate the teacher whom they desire to teach their school, to determine what branches they desire shall be taught in such school, and the period at which their school shall be taught, and the manner of expending the school revenue apportioned to them for tuition within the year for which said revenues are apportioned, to fill vacancies that may occur, in the office of director, to designate such repairs as they may deem necessary to their school-house; to memorialize the township trustees for the removal of their school-house to a more convenient location, or for the erection of a new one, or the sale of any old school-house and the grounds belonging thereto, and upon any other subject connected with their school or township. *Provided*, That nothing herein contained shall be so construed as to prevent the trustee from exercising a sound discretion as to the cost of such repairs, removal or erection of school-houses. Proviso.

SEC. 26. When such meetings shall petition the trustee in regard to repairs, removal or erection of a school-house, they shall also furnish to such trustee an estimate of the probable cost of such repair, removal or erection. School meetings to furnish estimate of cost of erection, &c., petitioned for.

SEC. 27. The trustee shall, in every case in which a majority of the voters entitled to vote at school-meetings have designated the teacher they wish employed, employ the same, if he or she can be had on reasonable terms; *Provided* such teacher has a license to teach; and in no case shall the trustee employ any teacher whom a majority of such voters have decided they do not wish employed; and at any time after the commencement of any school, if a majority of such voters petition such trustee that they wish such teacher dismissed, such trustee shall dismiss him, but only upon good cause shown, but such teacher shall be entitled to pay for services rendered. Trustees to employ the teacher designated by school meeting. Proviso.

SEC. 28. The director of each school shall preside at all meetings of the inhabitants connected therewith, and record Duties of director.

Duties of director.

their proceedings; he shall also act as the organ of communication between the inhabitants and the township trustees.

SEC. 29. He shall take charge of the school-house and property belonging thereto, under the general order and concurrence of the trustee, and preserve the same, and shall make all temporary repairs of the school-house, furniture and fixtures, and provide the necessary fuel for the school, and report the cost thereof to the trustee for payment.

Duties of director.

SEC. 30. He shall visit and inspect the school from time to time, exclude any refractory pupil therefrom; but the exclusion of any pupil from the school for disorderly conduct shall not extend beyond the current term, and may be, in the discretion of the director, for a shorter period.

Appeal from decision of director.

SEC. 31. The decision of the director in excluding a pupil shall be subject to appeal to the township trustee, whose decision shall be final.

SCHOOL EXAMINER.

Examiners, how appointed.

SEC. 32. The boards of county commissioners of the several counties shall, at their June session in eighteen hundred and sixty-one, and triennially thereafter, appoint for their respective counties a school examiner, whose official term shall expire as soon as his successor is appointed and qualified, who, before entering upon the duties of his office, shall take and subscribe an oath according to law, which oath shall be filed with the County Auditor; and all the proceedings relating thereto shall conform to the law relative to oaths of public officers; and thereupon the several County Auditors shall report the name and post-office address of the person appointed in their respective counties, to the Superintendent of Public Instruction.

To examine all applicants for license.

Qualification of teachers.

Length of time for which license may be granted.

SEC. 33. Said school examiner shall examine all applicants for license as teachers of the common schools of the State, by a series of written or printed questions, requiring answers in writing, if he wishes so to do, and in addition to the said questions and answers in writing, questions may be asked and answered orally; and if from the ratio of correct answers and other evidences disclosed by the examination the applicant is found to possess a knowledge which is sufficient in the estimation of the examiner to enable said applicant to successfully teach and give instruction in the common schools of the State, in orthography, reading, writing, arithmetic, geography and English grammar, and to manage such a school, said examiner shall license said applicant for the term of six months, twelve months, eighteen months or two years, according to the ratio of correct answers and other evidences of qualification given upon said examination, the standard of which shall be fixed by the examiner.

SEC. 34. If the persons attached to and forming a school district, have at their school meeting designated other branches of learning in addition to those above mentioned, which they desire to have taught in their schools, the trustee in employing a teacher for said school, shall require said teacher to be examined as to his or her qualifications to teach [such additional branches,] and the said examiner shall be entitled to a fee of one dollar for each male, and fifty cents for each female applicant examined for license, to be paid by such applicant.

SEC. 35. All licenses granted by the examiners shall be limited to the county in which they are granted, and if the examiner in his discretion shall grant a license to any applicant for less than the six branches mentioned in section thirty-three of this act, such license shall state upon its face that the other branches are omitted at the request of the proper trustee, and such license shall limit the person to whom it is granted to the particular school from which the applicant comes, and in length of time not exceeding six months, and a second license shall not be granted to the same person for such low grade of qualification.

SEC. 36. The school officers having power to grant licenses, shall have the power to revoke licenses for incompetency, immorality, cruelty or general neglect of the business of the school.

SEC. 37. Said examiner shall, in the last week of May annually, report to the Superintendent of Public Instruction the names of the persons to whom he has granted license since the last report for his county, distinguishing between those licensed for six, twelve and eighteen months, and two years, giving the number of males, number of females, and total number licensed, and the number, but not the names, of applicants for license who are rejected, and the number of licenses revoked; an abstract from which reports, together with a similar statement of the number licensed by himself, shall be appended, by said Superintendent, to his biennial report.

SEC. 38. Said examiners shall constitute a medium of communication between the Superintendent of Public Instruction and the subordinate school officers and the schools; they shall visit the schools of their respective counties as often as they may deem it necessary, during each school term, for the purpose of increasing their usefulness, and elevating, as far as practicable, the poorer schools to the standard of the best, advising and securing, as far as practicable, uniformity in their organization and management, and their conformity to the law, and the regulations and instructions of the State Board of Education, and Superintendent of Public Instruction; they shall receive from the trustees their reports of enumeration

When teachers
must be ex-
amined as to
ability to teach
higher branches

Licenses limited
to the county
in which they
were granted.

Licenses may be
revoked.

Examiners to
report to super-
intendent the
persons licensed
by him.

Examiners to
visit schools.

Information of
private schools
to be furnished
superintendent
by examiners.

and their regular school and other reports which are required by law to be made to them, and otherwise gather up the necessary data and information, including that relative to private common schools, high schools, colleges and other private institutions of learning within their respective counties, so as to present a view of the educational facilities of the State, and enable them to make full and complete reports to the Superintendent of Public Instruction, and receive for and distribute to the Township Librarians such books as may be furnished for them, and advise such a disposition and use of them as will tend to increase their usefulness; they shall see to the introduction of the authorized text books into their schools, and advise the trustees as to the most approved school furniture, apparatus and educational agencies, and, as far as practicable, they shall furnish trustees and teachers with the regular forms, blanks, regulations, instructions and reports which issue from the Department of Public Instruction, and relate to their respective branches of the school service.

Appeals from trustees to examiners.

SEC. 39. Appeals shall be allowed from the decisions of the trustees relative to school matters, to the school examiners, who shall receive and promptly determine the same according to the rules which govern appeals from justices of the peace to the Common Pleas or Circuit Courts, so far as such rules are applicable, and their decisions of all local questions relating to the establishment of schools, and the location, building, repair, or removal of school houses, or transfer of persons for school purposes, shall be final.

Examiner may administer oaths.

SEC. 40. The school examiners are hereby authorized and empowered to administer all oaths relative to the school business in their respective counties.

When examiner may cause enumeration to be taken.

SEC. 41. When any trustee shall neglect to file with the school examiner an enumeration of the children of the township, town or city, as herein before provided, the school examiner shall, immediately after the first day of September in each year, employ a competent person to take the same, and allow a reasonable compensation for such services, payable from the special school revenue of the township, and shall proceed to recover the same, in the name of the State of Indiana, for the use of said revenue of said township, by action against the said trustee in his individual capacity; and in such suit the school examiner shall be a competent witness.

Examiner to report to superintendent.

SEC. 42. The county school examiners shall, on or before the fifteenth day of September annually, make out and forward to the Superintendent the enumeration of their respective counties, with the same particular discrimination required of the trustees; he shall also furnish the statistical information exhibited in the reports of such trustees in such form as may be prescribed by the Superintendent of Public Instruc-

tion. Failure to make the required reports at the proper time shall subject the county to a diminution of fifty dollars of its apportionment of the common school revenue, which shall be withheld by the Superintendent when he makes the apportionment in April. The county may have redress for the loss on the delinquent examiner for which any citizen may bring suit.

SEC. 43. The school examiners shall make out from the lists of enumeration, and the reports of transfers, the basis of the apportionment of school revenue to the several townships, towns and cities of their respective counties and parts of congressional townships of adjoining counties, whose congressional township fund is managed in their counties, and report the same to the proper county auditor by the first day of November annually, so as to enable the county auditor to accurately apportion the school revenue for tuition, according to the one hundred and twenty-second section of this act. Said school examiners shall also, at the same time, furnish the county Auditor with such a statement of all transfers as will enable the Auditor to assess the persons transferred the proper special school tax, levied by the trustee of the township, town or city to which such persons are transferred.

SEC. 44. The school examiner shall hold stated public examinations of applicants for license at some eligible point in his county, after due public notice at least once every three months; and he shall, as far as practicable, make such public examinations by classes.

SEC. 45. The said school examiner shall receive for all his services required by this act, such per diem as may be reasonable and just, to be allowed by the Board of Commissioners of his county, to be paid out of the special school tax of each township, in proportion to the services rendered and time employed in each; and the county Auditor shall draw his warrant on the county treasurer in favor of said school examiner for the amount so allowed, who shall pay said warrant out of the special school tax in his hands belonging to each township; *Provided, however,* That no school examiner shall receive, in the aggregate, more than one hundred dollars per annum for his services, except as provided in section thirty-five of this act.

SEC. 46. The county Auditor shall, from the assessment of the property for State and county purposes, make the proper assessment of the tax levied by the trustee as concurred in by the County Commissioners in the same manner as for the State and county revenue, and shall set down the amount of said tax on his tax duplicate as other taxes in appropriate columns, and the said tax shall be collected by the county Treasurer as other revenues, and shall be paid to the Treas-

Penalty for failure to report.

Examiner to make basis of apportionment.

To hold stated public examinations.

Examiners per diem.

Special tax to be assessed by the auditor.

urer for school purposes of the proper township, town or city, upon the warrant of the Auditor; but said assessment of tax shall extend to no property of the person taxed except that which is situate within the township, town or city in which the tax is levied and the person taxed resides.

OF THE LANDS BELONGING TO THE CONGRESSIONAL TOWNSHIP FUND.

Custody of lands belonging to congressional township fund.

SEC. 47. The custody and care of all lands belonging to the congressional township fund shall be with the trustee of the civil township in which the same shall be situated, who shall report annually to the auditor by the fourth Monday in March the annual income derived therefrom to the township.

When trustees may sell lands.

SEC. 48. They shall have power, when directed so to do by a vote, or by the written direction of a majority of the voters of the congressional township to which the same belongs, to lease such lands for any term not exceeding seven years, reserving rents payable in money, property or improvements upon the land, as may be directed by the majority of such voters.

Who to have custody of congressional township land when divided by a civil township line.

SEC. 49. When the sixteenth section, or the section which may be granted in lieu thereof, shall be divided by a county or civil township line, or where the substituted section lies in any other county in this State, the voters of the congressional township to which the same belongs shall designate by vote, or by the written direction of a majority, the trustee of one of the civil townships, including a part of said section, to have the care and custody of said section, and to carry out the directions of the voters of the township in relation thereto; and the trustee so designated shall have the same powers and perform the same duties as if the entire section was situated within the limits of his civil township, and receive from the county treasurer the revenue derived from funds accrued from said sale.

Powers of trustees in relation to school lands.

SEC. 50. The proper trustees shall have all the rights and powers of a landlord, in their official name, in coercing fulfillments of contracts relating to such lands, and preventing waste or damage, or for the recovery of the same when committed.

Sale of school lands determined by ballot.

SEC. 51. At any time when five voters of any congressional township shall, by petition to the trustee having charge of the school land belonging to such township, set forth their desire for the sale of all or any part of the school land, the trustee shall give notice in five public places in such township, of the time and place in such township when and where a balloting will be had to determine whether the land shall be sold

as petitioned for or not, which notice shall be given at least twenty days before the time specified therein.

SEC. 52. A copy of such petition shall be entered on the book containing the record of the proceedings of such trustee, and his action thereon shall also be recorded.

SEC. 53. If a voter favor the sale of such land he shall write on his ballot the word "Sale;" if he oppose the sale he shall write the words "No sale."

SEC. 54. No sale shall be allowed unless a majority of all the voters in such township shall vote in favor of it, nor unless the number of votes constituting such majority shall exceed fifteen.

SEC. 55. The trustee shall attend at the time and place specified, and shall make out a certificate showing the number of votes given for and against such sale, which shall be signed by him and filed in his office, and he shall enter the same upon his record book.

SEC. 56. Said trustee, if satisfied that a majority and more than fifteen voters have voted for such sale, he shall enter the fact on his record book, and proceed—

First, To divide the lands so voted to be sold into such lots as will secure the best price.

Second, To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

Third, To certify such division and appraisement to the proper County Auditor, together with a copy of all his proceedings in relation to the sale of said lands.

SEC. 57. Such certificate and return shall, by such Auditor, be laid before the board of county commissioners at their first meeting thereafter, and said board, if satisfied that the requirements of the law have been substantially complied with, shall direct such land to be sold, which sale shall be conducted as follows:

First, It shall be made by the Auditor and Treasurer.

Second, Four weeks' notice of the same shall be given by posting notices thereof in three public places of the township where the land is situated, and at the Court House door, and by publication in a newspaper printed in said county, if any; otherwise in the newspaper of any county in the State nearest thereto.

SEC. 58. One-fourth of the purchase money shall be paid in hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest annually in advance; said deferred payments shall be regarded as a part of the Congressional township school fund, and reported as such by the Auditor to the Superintendent of Public Instruction.

Contract, how forfeited.

SEC. 59. On failure to pay such annual interest when the same becomes due, the contract shall become forfeited, and the land shall immediately revert to the township, and the Auditor and Treasurer shall proceed forthwith again to sell the same on the terms above specified; if on such second sale such land shall produce more than sufficient to pay the sum owing therefor, with interest and cost, and five per cent. damages, the residue shall when collected be paid over to the first purchaser or his legal representative.

How revived.

SEC. 60. At any time before the sale, payment of the sum due, with interest for the delay, and all costs, together with two per cent. damages on the sum due for said land, shall prevent such sale and revive the original contract.

In case of forfeiture, purchaser responsible for waste.

SEC. 61. In case of such forfeiture, the original purchaser may be sued for waste or unnecessary injury done to such land.

Suit for waste by whom prosecuted.

SEC. 62. Such suit shall be prosecuted by the Auditor in the name of the State, for the use of the proper congressional township.

When land may be sold at private sale.

SEC. 63. When any land offered for sale at public auction shall remain unsold, the county auditor may dispose of the same at private sale for the best price that can be had therefor, not being less than the minimum price affixed thereto.

Unsold lands may be reappraised.

SEC. 64. After the expiration of the term of four years after any appraisement and offer of sale of any lands in this State belonging to any township for school purposes, and such lands remain unsold, it shall be lawful to re-appraise, sell and dispose of said lands in the same manner that they would have been had such lands not been previously offered for sale: *Provided, however,* That such appraised value shall not be below the minimum price as now fixed by law.

Auditor to certify sale.

SEC. 65. A certified statement of such sale shall be made and signed by the Auditor, and being first recorded by such Auditor in the records of the board of county commissioners, shall be delivered to the purchaser when he makes his first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

Rights of purchaser.

SEC. 66. Every purchaser, until forfeiture, shall be entitled to all the rights of possession before existing in such trustee, or township, and to all rights and remedies for rents becoming due, or breaches of covenant accruing after his purchase, under any lease existing at the time of his purchase, and for all waste committed thereafter.

Failure to make the first payment.

SEC. 67. A purchaser at such sale failing to make the first payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted by the county auditor in the

name of the State, for the use of the proper township, and the auditor and treasurer shall be competent witnesses.

SEC. 68. No assignment of a certificate shall be valid unless acknowledged before some officer authorized to take acknowledgment of deeds, or before the county auditor, who shall in all cases record the same; assignments of certificates heretofore made before any officer authorized to take acknowledgments of deeds, when recorded shall be as valid as if acknowledged before the county auditor.

SEC. 69. When the residue of the purchase money becomes due, the purchaser may retain the same as a loan for a term not exceeding three years, on payment annually made in advance of the interest thereon, at the rate then established by law for the loans of such funds; but he shall receive no deed until full payment is made.

SEC. 70. Purchasers may at any time before due, pay a part or whole of such purchase money.

SEC. 71. When any such certificate shall be lost before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony, to be filed with the county auditor, and after three months' notice of intention to apply for a new certificate given in some newspaper printed nearest to where the land lies, such auditor may issue the same to the person entitled thereto.

SEC. 72. Purchase money and interest, and all costs and damages above provided for, shall be paid to the treasurer of the proper county, and his receipt therefor filed, by the person paying, with the county auditor, who shall issue his quietus therefor.

SEC. 73. When such payment is in completion of any contract of sale, the amount of such receipt shall be indorsed by the county auditor on the certificate of purchase.

SEC. 74. On full payment for such land a deed shall be issued by the county auditor and entered on the record book of the Board of County Commissioners.

SEC. 75. Such deed shall be executed and acknowledged at the cost of the grantee by the county auditor, as in other cases, and thus executed and delivered, shall vest in the grantee, his heirs and assigns forever a complete title to the land.

SEC. 76. The voters of any congressional township may, in the absence of a vote to sell land and in lieu thereof, petition the trustee of the township for such sale, and such petition if signed by a majority of all the voters of the township shall be filed with the county auditor, and the same proceeding shall be had as provided in the preceding section upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall also be recorded in the record book

Assignment of certificate.

Purchase money may be retained as a loan.

Proceeding when certificate is lost.

Purchase money to whom paid.

When deed shall be issued.

At whose cost deed shall be executed.

Voters may petition for sale of land.

of the trustee of the township and of the county auditor, of the investment of funds held for the benefit of common schools and congressional townships.

Rate of interest.

SEC. 77. The principal of all moneys, whether belonging to the common school fund, or to the congressional township school fund, received into the county treasury, shall be loaned at seven per cent. per annum, payable annually in advance, and the interest paid out as prescribed in this act and not otherwise; and any judgment upon any note or mortgage for any part of said fund, shall bear seven per cent. interest from the date thereof till the same is paid.

Loans, by whom made.

SEC. 78. Such loans shall be made by the county auditor, who shall inform himself of the value of all real estate offered in the mortgage, and be satisfied of the validity of the title thereof, and all persons applying for a loan shall produce to said auditor title papers, showing a clear title in fee simple, without incumbrance nor derived through any executors or administrators' sale, or sale on execution, or sale for taxes.

Auditor may require lands offered as security to be appraised.

Appraisers must be sworn.

SEC. 79. The auditor may require three disinterested free holders of the neighborhood to appraise any land offered in mortgage.

SEC. 80. Such appraisers being first officially sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value of the land at the time, without taking into consideration perishable improvements.

SEC. 81. In making such loans, preference shall be given to the inhabitants of the county, if security be adequate, and no land shall be received as security unless situated in the county where the loan is made.

SEC. 82. The amount loaned to any person or company shall not exceed three hundred dollars.

Loans to be secured by real estate clear of encumbrances.

SEC. 83. The applicant for a loan shall file with the auditor the certificate of the clerk and recorder that there is no incumbrance on said land in either of said offices.

SEC. 84. Such applicant shall make oath that there is no incumbrance or better claim that he knows of, and that the abstract of the title presented by him is, as he believes, a true one.

Length of time for which loan may be made.

Sum loaned not to exceed half the appraised value of mortgaged premises.

SEC. 85. No loan shall be made for a longer term than five years.

SEC. 86. The sum loaned shall not exceed one-half of the appraised value of the premises proposed to be mortgaged, clear of all perishable improvements.

Mortgages to be of record from date.

SEC. 87. The auditor shall have power to administer all oaths, and take acknowledgments required by this act.

SEC. 88. Mortgages taken for such loans shall be considered of record from the date thereof, and shall have priority

of all mortgages or conveyances not previously recorded, and all other liens not previously incurred in the county where the land lies.

SEC. 89. The auditor shall cause such mortgages to be recorded immediately, retaining the cost of recording out of the money borrowed.

SEC. 90. On failure to pay any installment of interest when the same becomes due, the principal sum shall forthwith become due and payable, and the note and mortgage may be proceeded on and collected.

SEC. 91. The mortgage may be in substance as follows: and the auditor shall specify therein whether the same belongs to the common school fund or to the congressional township fund; and if to the latter, the particular township whose funds are thus loaned.

FORM OF THE MORTGAGE.

SEC. 92. I, A. B., of the county of _____, in the State ^{Form of mort-} of Indiana, for the use of (here describe the fund out of which gage.) the loan was made,) mortgage all (here describe the land,) for the payment of _____ dollars, with interest at the rate of seven per cent. per annum; payable annually in advance, according to the conditions of the note hereto annexed.

SEC. 93. The note accompanying the same may be in substance as follows, to-wit: I, A. B., promise to pay to the State ^{Form of note.} of Indiana for the use (here recite the particular fund,) on or before _____, the sum of _____ dollars, with interest thereon, at the rate of seven per cent. per annum in advance, commencing on the _____ day of _____, 18____, and do agree that in case of failure to pay an installment of interest when the same shall become due the principal sum shall become due, and payable, together with all arrears of interest, and on failure to pay such principal or interest when due, two per cent. damages shall be collected with costs, and the premises mortgaged may be forthwith sold by the county auditor for the payment of such principal sum, interest, damages and costs.

SEC. 94. On making loan of any fund the auditor shall ^{Making loans.} draw his warrant in favor of the borrower upon the county treasurer, who shall charge it to the proper fund.

SEC. 95. All loans refunded, and all interest shall be paid to the county treasurer, and his receipt shall be filed with the county auditor, who shall give the payer a quietus therefor and make proper entries.

SEC. 96. Whenever the amount due on any mortgage shall be paid and the treasurer's receipt therefor filed, the auditor shall indorse on the note and mortgage that the same has been fully satisfied and surrender the same to the person entitled

thereto, and on the production of the same thus indorsed, the recorder shall enter satisfaction upon the record.

Recovery of loans.

SEC. 97. When the interest or principal of any such loan shall become due and remain unpaid, the auditor shall proceed to collect the same by suit on the note, or by sale of the mortgaged premises, in the manner prescribed in the ninetieth section of this act, he may also, by suit, recover the possession of the mortgaged premises before sale thereof, and he shall, on the fourth Monday in January, annually, offer for sale all mortgaged lands on which payments of principal or interest are due and unpaid.

Suit may be brought.

SEC. 98. In all cases where the mortgaged premises shall fail to sell for a sum sufficient to satisfy the principal and interest of the loan made, and the costs accrued by reason of such failure, the county auditor shall bring suit on the note executed by the mortgagor, and whenever judgment shall be rendered thereon, no appraisement of property shall be allowed on execution issued on such judgment.

Auditors to advertise sale of mortgaged premises.

SEC. 99. Before sale of mortgaged premises, the auditor shall advertise the same in some newspaper printed in the county where the land lies, if any there be, otherwise in a paper in the State nearest thereto, for three weeks successively, and also by notice set up at the court-house door, and in three public places in the township where the land lies.

Place of sale.

SEC. 100. At such sale, which shall be held at the court-house door, the auditor shall sell so much of the mortgaged premises, to the highest bidder, for cash, as will pay the amount due for principal, interest, damages and costs.

When auditor may bid in mortgaged premises.

SEC. 101. In case of no bid for the amount due, the auditor shall bid in the same, on account of the fund, and as soon thereafter as may be, shall sell the same, having first caused it to be appraised by three disinterested freeholders of the neighborhood, on a credit of five years with interest at seven per cent. per annum, being payable annually in advance, but no such sale shall be for a less sum than the appraised value thereof.

Lands heretofore bought in.

SEC. 102. Lands heretofore bought in, on account of the fund which have been appraised, shall be sold in like manner.

Auditor to execute deeds on full payment.

SEC. 103. Upon full payment being made for such lands, the deeds thereof shall be executed by the county auditor, and shall be entered in the record of the board of county commissioners before delivery.

Statement of sale to be signed by auditor and treasurer.

SEC. 104. At the public sale at the court-house door, provided for in this act, the county treasurer shall also attend and make a statement of such sales, which shall be signed by the auditor and treasurer, and after being recorded in the auditor's office shall be filed in the treasurer's office, and such record or a copy thereof authenticated by the auditor's or

treasurer's certificate, shall be received as evidence of the matters therein contained.

SEC. 105. When any land is bid off by the auditor at such sale, no deed need be made therefor to the State, but the statement of such sale and the record thereof shall vest the title in the State for the use of the proper fund.

SEC. 106. Forms and modes of book-keeping shall, from time to time be prescribed for the county auditors and treasurers by the State Superintendent of Public Instruction.

SEC. 107. The county auditors and county treasurers shall annually report in writing to the board of county commissioners of their respective counties at the March session of said board, relative to the school fund held in trust by said counties, distinguishing in said reports between the congressional township and common school funds, indicating the amount thereof, the additions to them within the current year then ending, the sources from whence such additions are derived, the conditions of them as to their safety, giving the amount thereof safely invested, unsafely invested, and uninvested at the date of said report, giving also the amount of interest collected upon said funds within the year then ending, and the amount then due and unpaid.

SEC. 108. The board of county commissioners shall annually, at their said March sessions, in presence of the auditor and treasurer, examine said reports, the accounts and proceedings of said officers in relation to said funds and the revenue derived from them. They shall compare with said reports, the cash, the notes, mortgages, records and books of said offices, with a view to ascertain the condition of said funds as to their safety, and to secure their preservation and the prompt payment of the annual interest thereon as the same becomes due, and make up to said funds losses which have accrued or may accrue.

SEC. 109. The county commissioners at said session shall make out for their respective counties, a report in writing of the result of such examination, showing:

First. The amount of said funds at the close of the last year.

Second. The number of acres of unsold congressional township school lands and the approximate value thereof.

Third. The amount added from fines and forfeitures.

Fourth. The amount added by the commissioners of the sinking fund.

Fifth. The amount added from all other sources.

Sixth. The total amount of the funds.

Seventh. The amount refunded within the year.

Eighth. The amount re-loaned within the year.

Ninth. The amount safely invested.

Auditors and
treasurers to
report to county
commissioners.

County commis-
sioners to secure
school funds.

Commissioners
report.

Tenth. The amount unsafely invested.

Eleventh. The amount uninvested at date of report.

Twelfth. Amount of fund lost since 1842.

Thirteenth. Amount of interest collected within the year.

Fourteenth. Amount of interest delinquent.

And in said report the commissioners shall distinguish between the congressional township fund and the common school fund, and in their account of the interest or revenues derived from said fund they shall observe the same distinction.

To be transmitted to auditor of state and superintendent of public instruction.

Fees of county auditors and treasurers.

Fees in case of mortgage.

SEC. 110. Such report shall be entered on the records of said Board, and copies thereof, signed by the members of the Board, the auditor, and treasurer, shall be transmitted to the Auditor of State and the State Superintendent of Public Instruction.

SEC. 111. County Auditors shall receive for their services in managing the School Funds the two per cent. damages accruing on all sales for the non-payment of loans, and four per cent. on all disbursements of interest: and the county treasurer shall receive one per cent. on all disbursements of interest, and one per cent. on the amount of school tax disbursed; and the sum of said per cent. on disbursements thus ascertained, shall be paid in the same manner, and out of the same revenue as other services of said officers are paid.

SEC. 112. The following fees only, shall be charged in case of mortgage for loans:

To each appraiser	50 cents.
For recording mortgage.....	50 cents.
For drawing mortgage.....	50 cents.
For making borrower's affidavit.....	10 cents.
For clerk and recorder's certificate and examining title each.....	25 cents.

Which shall be paid by the borrower.

OF THE DISTRIBUTION OF THE SCHOOL REVENUE.

Distribution of school revenue.

Auditors to report to state superintendent.

SEC. 113. There shall be two apportionments of the school revenue for tuition, made in each year by the State Superintendent of Public Instruction, one on the fourth Monday in April, and the other on the fifteenth day of October, unless the said day of the month should be Sunday, and if so, then on the day following.

SEC. 114. To enable the Superintendent to make said apportionments, and ascertain the amount of said revenue collected and ready for that purpose, the auditors of the several counties of the State shall promptly, after making the settlements with the county treasurers of their respective counties, in March, for the amount collected on tax list; and in October for the amount of delinquent tax collected, make report to

said Superintendent, of the precise amount of school revenue for tuition collected in their respective counties, and ready for apportionment and distribution, which report shall be verified by the oath or affirmation of the auditor endorsed thereon.

SEC. 115. The first of said reports in each year shall Time of report. not be delayed later than the 3d Monday in April, and the second not later than the tenth day of October; said reports shall show—*First*, The amount of school tax collected since Items reported. the last report, whether upon the current year's tax list, or delinquent tax. *Second*, The amount of interest collected and not previously reported upon loans of Common School Funds, or on any indebtedness which is due, or payable to said fund, arising from the sale of seminary property or otherwise. *Third*, The amount derived from liquor licenses and unclaimed fees not previously reported. *Fourth*, The total amount of school revenue thus collected and ready for apportionment. *Fifth*, The income derived from the Congressional township school fund, including the interest on loans of said fund, and on deferred payments for school lands which have been sold, and the rents and profits derived from the leasing or renting of any such lands or otherwise. *Sixth*, The amount of said income from the Congressional township fund on hand for distribution in parts of townships in the adjacent counties, specifying the amount on hand for each of the several counties.

SEC. 116. When the congressional township lies partly in one county and partly in another, the auditor of the county in which the fund of such township is managed shall notify the auditor of the county in which any portion is situated of the amount due to such portion. Duty of auditor when congressional township lies partly in one county and partly in another.

SEC. 117. On failure of any county auditor to make his said semi-annual report in time for said apportionments his county shall be subjected to a diminution of \$100 in the next apportionment of said revenue by the Superintendent. The sum thus withheld may be collected from said auditor, in a suit before a justice of the peace, prosecuted in the name of the State, by any person living in said county who has children enumerated for school purposes for the current year, who is aggrieved by said diminution; said suit shall be commenced within two years from the time when said report was due, and not afterwards: *Provided*, That said auditor may discharge himself by a certificate of the Postmaster that said report was mailed in due time, together with his own affidavit of that fact. Forfeiture for failure of auditor to make report.

SEC. 118. The State Superintendent of Public Instruction shall, on the days fixed by section 113 of this act for his apportionment of said revenue in each year, add to the sum total of said revenue in readiness in each county for apportionment, the sum of twenty-five thousand dollars of the State's Apportionment by state superintendent.

indebtedness to the schools, which additions shall continue to be made at each apportionment until the whole of said indebtedness, together with six per cent. interest thereon from the time said indebtedness accrued is paid. The amount of which debt and interest shall be settled and adjusted by and between the Superintendent of Public Instruction and the Auditor of State; and after said addition, the Superintendent shall apportion the whole of said sum to the several counties of the State, according to the last enumeration of children therein, with due reference to the diminutions provided for by sections 42 and 117 of this act, and without taking into consideration the revenue derived from the Congressional township school fund in such apportionment.

Statement to be published by state superintendent.

SEC. 119. Said Superintendent shall make out and have printed a statement showing,

First, The enumeration of children in each county.

Second, The amount of school revenue ready for apportionment in each county, including said addition from the State's indebtedness.

Third, The distributive share thereof apportioned to each county, a copy of said statement he shall file with the Auditor of State and Treasurer of State, and he shall forward a copy thereof by mail to each of the county auditors and county treasurers of the State.

Settlement of county treasurer with auditor of state.

SEC. 120. The Auditor of State shall, at the time of making the semi-annual settlement with the several county treasurers, give them each a warrant on the State Treasury for the distributive share of said revenue apportioned to their respective counties, the amount of which shall be retained by said treasurers out of the money or revenue in their hands, and the balance ascertained to be due to the State, of ordinary State revenue, or other revenue, together with said warrant, shall be paid into the State Treasury, and the settlement between the respective county treasurers and the Auditor of State, and the drawing of the warrant for the amount apportioned to their respective counties, the ascertainment of the balance payable into the State Treasury, and the payment of said balance, and retention by the county treasurer of his distributive share of school revenue, according to said apportionment, shall be concurrent acts, and shall be done and performed in such a manner as to effect a complete semi-annual disbursement from the State Treasury to the several counties of the State, of all the school revenues then apportioned to them, and as soon as practicable after the apportionment is made.

Unapportioned balances.

SEC. 121. If at any time, from any cause whatever, an unapportioned balance of school revenue shall appear in the State Treasury, other than that which is nominally therein at the passage of this act, the Superintendent of Public Instruc-

tion shall add said balance to the sum to be apportioned, and apportion it at the next succeeding apportionment, after such balance so appears.

SEC. 122. The auditors of the several counties shall, semi-annually, on the second Mondays of May and November, make apportionment of the income of the Common School revenue, to which his county is entitled, to the several townships and incorporated towns and cities of the county, which payment shall be made to the school treasurer of each township and incorporated town and city by the county treasurer, and in making the said distribution the auditor shall ascertain the amount of the Congressional township school revenue belonging to each city, town and township, and shall so apportion the Common School revenue as to equalize the amount of available school revenue for tuition to each city, town and township, as near as may be according to the enumeration of children therein: *Provided, however,* That in no case shall the income of the Congressional township fund belonging to any Congressional township, or part of such township, be diminished by such distribution or diverted to any other township.

Auditors to apportion the revenue belonging to their counties.

Proviso.

OF THE STATE SUPERINTENDENT.

SEC. 123. There shall be elected by the qualified voters of the State, at the general election, a State Superintendent of Public Instruction, who shall hold his office for two years.

Election of State superintendent.

SEC. 124. He shall receive for traveling and other expenses, whilst traveling on the business of the department, a sum not exceeding five hundred dollars per annum.

His traveling expenses.

SEC. 125. His official term shall commence on the fifteenth day of March, succeeding his election. He shall take and subscribe the oath prescribed by law, which proceeding shall in all things conform to the law relative to the oaths of public officers.

SEC. 126. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance when not absent on public business; and he is hereby authorized to employ a clerk at one thousand dollars per annum, to be paid in the same manner as the clerks of the Auditor of State are paid.

Office to be kept at seat of government.

SEC. 127. In the month of January, in each year, in which there is no regular session of the General Assembly, he shall make a brief report in writing to the Governor, indicating in general terms the enumeration of the children of the State for Common School purposes, the additions to the permanent school fund within the year, the amount of school revenue col-

lected within the year, and the amounts apportioned and distributed to the schools.

To report biennially to legislature.

SEC. 128. He shall present a biennial report to the General Assembly, containing a brief exhibit of his labors, the result of his experience and observation, noticing any imperfection in the operation of the school system, and suggest the appropriate correction.

SEC. 129. He shall cause ten thousand copies to be printed and distributed to the several counties of the State.

To append statistical tables to his report.

SEC. 130. He shall prepare statistical tables and abstracts of the materials which have been transmitted to his department by the proper officers, and append the same to said report, exhibiting a statement of all permanent funds and property appropriated to the purposes of public instruction. An abstract of the September school reports received from the several counties, with the same particularity required in said reports, estimates and accounts of the receipts and expenditures of the public school revenues; a statement of his apportionment of school revenues; plans for the management and improvement of the Common School funds and revenues, and for the better organization of Common Schools. He shall exhibit in tabular form all the statistical information obtained from the county auditors, as required by this act, with accurate totals appended thereto. The Superintendent failing to make the full and complete report as above prescribed, shall forfeit a sum equal to half the annual amount allowed him for clerk hire.

To visit each county in the state annually.

SEC. 131. He shall visit each county in the State at least once a year, and examine the auditor's books and records relative to the school funds and revenues, with a view to the safety and preservation of said funds and revenues, and for that purpose he shall have access to, and full power to require for inspection, the use of the books and papers of the auditors' offices; and whenever he may discover that any of the school funds are unsafely invested, and unproductive of school revenue, or that any of the school revenues have been diverted from their proper objects, he shall report the same to the General Assembly; meeting with such of the school officers as attend his appointments; counseling with the teachers, and lecturing upon topics calculated to subserve the interests of popular education.

President of state Board of education.

SEC. 132. He shall be *ex officio* President of the State Board of Education, preside at all meetings thereof, propose such measures for consideration and adoption, as in his judgment may best subserve the interests committed to said Board, and increase the efficiency of their individual labors, and submit to the said Board for approval a catalogue of suitable works for school libraries; and when he may deem it neces-

sary he shall submit to said board for approval a list of text books for use of schools of this State.

SEC. 133. He shall receive and promptly determine appeals from school examiners, exercise such supervision over the school funds and revenues as may be necessary to ascertain their safety and secure the preservation and application to their proper object, and cause to be instituted, in the name of the State of Indiana, for the use of the proper fund or revenue, all suits necessary for the recovery of any portion of said funds or revenues; and it is hereby made the duty of the proper Circuit Prosecuting Attorney to prosecute all such suits at the instance of the Superintendent, and without charge against said funds or revenue.

SEC. 134. He may require of the county auditors, school examiners, county treasurers, trustees, clerks and treasurers, copies of all reports required to be made by them, and all such other information in relation to the duties of their respective offices so far as they relate to the condition of the school funds, revenues and property of the Common School, and the condition and management of such schools as he may deem important.

SEC. 135. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports and the necessary blanks therefor, and all necessary instructions for the better organization and government of Common Schools, and conducting all necessary proceedings under this act.

SEC. 136. He shall cause as many copies of the acts of the General Assembly, in relation to the Common Schools, or the school funds, with necessary forms, instructions and regulations to be from time to time printed and distributed among the school townships, as he shall deem the public good requires.

SEC. 137. He may license teachers of Common Schools at pleasure, which license shall be good throughout the State.

SEC. 138. He shall supply each Common School Library with the legislative and documentary journals, and the acts of each session of the General Assembly, and his own annual reports: *Provided*, The State has those documents for distribution.

OF TOWNSHIP LIBRARIES.

SEC. 139. There shall be assessed and collected, as the ^{Tax.} State and county revenues are assessed and collected on the list of property taxable for State purposes, such sums as may be provided for by law.

SEC. 140. The said taxes are hereby appropriated, and ^{How appropriated.}

Appeals to state
Superintendent.

Superintendent
may require
copies of reports
of trustees,
clerks, teachers
and examiners.

To furnish
blanks for re-
ports.

To publish laws
on subject of
common schools

May license
teachers.

Shall supply
township libra-
ry with legisla-
tive and docu-
mentary jour-
nals.

shall be applied exclusively to the purchase of township school libraries, under the direction of the State Board of Education, but no sectarian or strictly party work shall be admitted into said libraries.

To be paid to
the State
treasurers.

SEC. 141. The amount of said taxes, when collected, shall be paid by the county treasurers to the Treasurer of State at the time of making their annual settlement, and shall be paid out by that officer upon the warrant of the Auditor of State.

Purchase of
township libra-
ries.

SEC. 142. The Superintendent of Public Instruction shall superintend the purchase of township libraries, under such regulations as the State Board of Education may adopt, and report to said Board his proceedings in relation thereto; and said Board shall order the issuing of the warrants by the Auditor of State for the payment of said purchases from said library revenue.

Distribution of
township libra-
ries.

SEC. 143. The State Board of Education shall, when such libraries have been received, cause the same to be distributed to the several townships in the State, under the direction of the State Superintendent, who shall apportion the same according to the school population of the townships, *Provided, however*, that existing inequalities in township libraries shall first be corrected, and that an equal allotment be made to each of the State Prisons as is distributed to townships.

Libraries to be
in charge of
township trust-
tees.

SEC. 144. Such libraries shall be in charge of the township trustees, shall be deemed the property of the township, and shall not be subject to sale or alienation for any cause whatever.

Trustees ac-
countable for
preservation of
libraries.

SEC. 145. Such trustee shall be accountable for the preservation of said libraries, may prescribe the time of taking and the period of retaining books, assess and recover damages done to them by persons entitled to their use, and adopt regulations necessary for their preservation and usefulness; and at the commencement of each school term, at each school house in their respective townships, shall cause a notice to be posted up, stating where the library is kept and inviting the free use of the books thereof by the persons of their respective townships.

Trustee may de-
posit library at
some central
point.

SEC. 146. Every family in the township shall be entitled to the use of two volumes at a time from said library, whether any member of such family shall attend school or not.

SEC. 147. The trustee may deposit the library at some central point, or at one or more eligible places in the township for the convenience of scholars and families, and they may appoint for that purpose one or more librarians, to have the care and superintendence thereof.

SEC. 148. The library shall be open to all persons entitled to its privileges throughout the year, without regard to school sessions; Sundays and holidays excepted.

MISCELLANEOUS PROVISIONS.

SEC. 149. The books and papers and accounts of any trustee relative to schools, shall at all times be subject to the inspection of the county auditor, and of the board of county commissioners of the proper county.

Accounts of trustees open to inspection.

SEC. 150. For the purpose of such inspection said board of county commissioners and auditor may, by subpoena, summon before them any trustee and require the production of such books, papers and accounts, three days notice of the time to appear and produce them being given.

Commissioners may require production of trustees' books.

SEC. 151. If any such books and accounts have been imperfectly kept, said board of commissioners may correct them, and if fraud appear, shall remove the person guilty thereof.

SEC. 152. Process in suits against a school township, town or city, shall be by summons executed by leaving a copy thereof with the trustee of such township, town or city ten days before the return day thereof; and in case of an appeal similar notice of the time of hearing thereof shall be given.

Suit against township, town or city.

SEC. 153. Suits brought on behalf of a school township shall be brought in the name of the State of Indiana, for the use of such township, town or city.

Suits in behalf of school township.

SEC. 154. An appeal shall be allowed from the decision of the trustee relative to school matters to the school examiner, and thence in all cases, except such as relate to the establishment of schools and the location of building, repair or removing of school houses, or transfer of persons for school purposes to the State Superintendent, whose decision shall be final; and the rules which govern appeals from justices of the peace to the Common Pleas or Circuit Courts, shall apply to such appeals as far as applicable.

Appeal from decision of trustee.

SEC. 155. Any person who shall sue for or on account of any decision, act, refusal or neglect of duty of the township trustee, for which he might have had an appeal, according to the provisions of the preceding section, shall not recover costs.

SEC. 156. The common schools shall be taught in the English language: *Provided, however,* That other languages in addition to the English may be taught as branches of education.

Schools to be taught in the English language.

SEC. 157. The county commissioners of each county are required to conform the boundary of their civil townships to those of congressional townships, as far as it is practicable to do so.

Boundaries of civil townships to conform to those of congressional townships.

SEC. 158. The proper trustee may, whenever a school house shall have been removed to a different location, or a new one erected for the school in a different place, if the land whereon the same is situated belongs unconditionally to the township, town or city, sell the same when in his opinion it is

Trustee may sell lands belonging to his township.

advantageous to the township, town or city so to do, for the highest price that can be obtained therefor, and upon the payment of the purchase money [to the township, town or city treasurer, he shall execute to the purchaser] a deed of conveyance, which shall be sufficient to vest in such purchaser all the title of such township, town or city thereto; the money derived from such sales shall be a part of the special school revenue.

When trustees sell land without title thereto, the purchase money with interest must be refunded to purchasers.

SEC. 159. When any officer authorized to sell school lands shall have sold any lands without a title thereto, such officer, or his successor in office, may convey such other lands of equal value as may be agreed upon by such officer and the purchaser, his heirs or assigns, or failing to make such agreement, [the purchase money, with interest, shall be repaid to] the purchaser, his heirs, executors, administrators or assigns; but no such purchase money shall be thus repaid until the proper prosecuting or district attorney shall have investigated the facts of the case, and certified to the correctness of the claim.

County auditors to keep account with congressional townships.

SEC. 160. The county auditors of the several counties of this State shall immediately upon the taking effect of this act, open an account upon their books, with each of the congressional townships of their respective counties, whose funds are managed by them, and transfer to such account, from the common school fund account, the principal of the congressional township fund, as it existed before its consolidation with the common school fund, and shall thereafter keep a separate account of the principal and interest of the congressional township fund of each township.

To apportion to each congressional township sufficient mortgages to secure the principal of its fund.

SEC. 161. Where the whole of the school funds of a county have been loaned, the auditor will apportion to each congressional township a sufficient number of mortgages to cover the principal of its congressional township fund, and where a part of the school funds only are loaned the auditor will so apply a proportional amount; and the cash on hand, when loaned, shall be for the benefit of the congressional townships respectively, to the amount of the entire principal of their congressional fund, and in all loans made after the taking effect of this act the note and mortgage shall specify the particular fund borrowed.

STATE BOARD OF EDUCATION.

State board of education.

SEC. 162. The State Board of Education shall consist of the State Superintendent of Public Instruction, and the Governor, Treasurer, Auditor of State, Secretary of State and Attorney General, who shall meet at Indianapolis on the call of the President, for the purpose of more effectually promoting the interests of education by mutual conference, inter-

change of views, and experience of the practical operation of the system, the introduction of uniform text books, and the discussion and determination of such questions as may arise in the practical administration of the system.

SEC. 163. All laws heretofore enacted on the subject of common schools, and all other laws and parts of laws in conflict with this act are hereby repealed.

SEC. 164. It is hereby declared that an emergency exists for the immediate taking effect of this act; therefore it shall take effect from and after its publication in the Indiana Journal and the Indiana State Sentinel.

All laws on the subject of common schools heretofore enacted repealed. Emergency.

CHAPTER XLII.

AN ACT to authorize the Board of Commissioners to purchase "Toll Bridges or any private interest therein."

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of any county may, whenever they shall deem it proper and for the public good, purchase any toll bridge or buy any private interest therein, and order the same to be paid for from the county treasury.

SEC. 2. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

CHAPTER XLIII.

AN ACT to amend sections fifty-four and sixty-six of an act, entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7th, 1852, and defining the boundaries of the counties of Morgan and Putnam.

[APPROVED MARCH 11, 1861.]

Sec. 54 recited.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section fifty-four of an act, entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7th, 1852, which reads as follows, to-wit:

"Sec. 54. The district of country within the following boundaries shall form and constitute the county of Morgan, to-wit: Beginning on the township line dividing townships ten and eleven north where the line dividing ranges two and three east crosses the same, thence west to the center of range two west; thence north to the south-east corner of section sixteen, township twelve, north of range two west; thence west to the line dividing ranges two and three west; thence north to the south-west corner of section nineteen in township fourteen north of range two west; thence east to the line dividing ranges two and three east; thence south to the place of beginning," be, and the same is hereby amended so as to read as follows, to-wit:

Amended to
make Mill Creek
a boundary.

SEC. 54. The district of country within the following boundaries shall form and constitute the county of Morgan, to-wit: Beginning on the township line dividing townships ten and eleven north, where the line dividing ranges two and three east crosses the same; thence west to the center of range two west; thence north to the south-east corner of section sixteen, township twelve, north of range two west; thence west to the line dividing ranges two and three west; thence north to the point where Mill Creek crosses the line between ranges two and three west; thence following the meanders and channel of said Mill Creek to the point where the same crosses the line between sections twenty-one and twenty-eight, in township fourteen north of range two west; thence east to the line dividing range two and three east; thence south to the place of beginning.

Sec. 66 recited.

SEC. 2. And that section sixty-six of said above entitled act, which section reads as follows, to-wit:

"Sec. 66. The district of country within the following boundaries shall form and constitute the county of Putnam, to-wit: Beginning at the south-east corner of section thirteen, in township twelve

north of range three west; thence north to the line dividing township sixteen and seventeen north; thence west to the line dividing ranges five and six west; thence south to the south-west corner of section eighteen, township twelve, north of range five west; thence east to the place of beginning," be, and the same is hereby, amended to read as follows, to-wit:

SEC. 66. The district of country within the following boundaries shall form and constitute the county of Putnam, to-wit: Beginning at the south-east corner of section thirteen, in township twelve, north of range three west; thence north to the point where Mill Creek crosses the line between ranges two and three west; thence following the meanders and channel of said Mill Creek to the point where the same crosses the line between sections twenty-one and twenty-eight, in township fourteen, north of range two west; thence west to the line between range two and three west; thence north to the line dividing townships sixteen and seventeen north; thence west to line dividing ranges five and six west; thence south to the south-west corner of section eighteen, township twelve north, of range five west; thence east to the place of beginning.

SEC. 3. It is declared that an emergency exists for the immediate taking effect of this act, it is therefore declared to be in force from and after its passage.

Amended to
make Mill Creek
a boundary.

P. L. B.

Emergency de-
clared.

CHAPTER XLIV.

AN ACT to authorize the formation of new counties and to change county boundaries, and to repeal all laws inconsistent therewith.

[APPROVED MARCH 1, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever a majority of the legal voters to be affected thereby in any district embracing an area of not less than 200 square miles shall desire the formation of a new county, and after having given twenty days notice, by publication by three insertions in some weekly newspaper, published in each county affected thereby, if any there be, or by one notice posted in each of all the townships of such counties to be affected thereby, such notices to be verified by oath or affirmation, may petition the boards of commissioners of the several counties to be affected by the formation of said new county,

Duty of commis-
sioners when
petition is pro-
perly authenti-
cated and pre-
sented.

and shall designate in such petition the name and the boundaries of such proposed new county, and which shall be in the form of a square as nearly as the character of the territory out of which said new county is to be formed will permit, and which petition and the qualifications of the signers thereto shall be verified by oath or oaths of competent witnesses; the said board shall appoint a committee of three residents free-holders in each county of the district embraced in such change, who shall form a board of commissioners to lay off and establish the boundaries of the proposed county conforming to the lines and boundaries named in said petition, and shall report the same to such boards of commissioners of the several counties affected by the formation of said new county at the next session, and upon said report being made the said boards shall file the same, and shall order the question of such formation of said county to be submitted to the legal voters of the several counties to be affected thereby at their next general election, and notice thereof shall be included in the notice of said election. The manner of taking the votes shall be by writing or printing upon the tickets, "For the formation of new county," or "Against the formation of new county," and if at such election the voters of the said counties shall by a majority of the votes cast in each severally, decide in favor of such formation of such new county, the boards of county commissioners shall enter upon their order books respectively, an order establishing the boundaries of said new county in accordance with said report, and shall forward to the Secretary of State a copy of such orders to be by him filed in his office, a majority of the commissioners so appointed as aforesaid shall constitute a quorum to transact business devolving upon said commissioners under this act. *Provided, however,* That no county now organized which shall contain a greater area than four hundred square miles shall be reduced below the area of four hundred square miles, and no county now organized which shall contain an area of less than four hundred square miles shall be further reduced, and upon the establishment of the boundaries of said new county the Governor shall appoint three commissioners to locate a county seat, and for that purpose to receive proposals for grants of lands for the benefit of said county for public buildings and other public purposes, and from the time said boundaries are established said new county shall be to all intents and purposes an organized county, with all the rights and privileges that under the law appertain to organized counties.

Duty of Governor on formation of new county.

SEC. 2. That whenever under any law of this State a new county hereafter shall have been created, it shall be the duty of the Governor to issue a writ of election, directed to some person in such new county, whom he shall appoint to act as

sheriff until the next general election and until his successor is elected and qualified, requiring him to cause an election to be held at such place or places in said county as he may direct, on such day as may be designated in the writ of election, for the purpose of electing one clerk of the circuit court, one county auditor, one county recorder, one county treasurer, one sheriff and three commissioners, coroner and surveyor.

SEC. 3. The person to whom the writ of election is directed shall have power and is required to appoint the necessary officers of such election, which officers of election shall be governed by the law now in force regulating elections, and shall make return to the acting sheriff on the Wednesday following, at such place in the county as he may have designated.

SEC. 4. The person to whom the writ of election is directed in a new county shall give at least ten days notice of the time and place or places where such election is to be held, and also of the place where the returns are to be made to him, by setting written notices thereof in three of the most public places in each election district which he may establish in such county; and on return of the election being made to him, and the vote compared according to law, he shall give to each of the commissioners a certificate of his election, and the time he is elected to serve, having a regard to the law, and shall also within ten days after said returns are so made to him, forward to the Secretary of State a certificate of the persons who are elected to the offices requiring a commission from the Governor.

SEC. 5. The person so appointed as sheriff is authorized to administer such oaths as are required by the constitution and laws of the State, certified copies of which he shall file in the office of the clerk of the circuit court of such county whenever it shall be established.

SEC. 6. All officers falling within the bounds of a new county shall continue to exercise the duties of their several offices until they are succeeded by others duly qualified to take their places.

SEC. 7. No suit or action of any nature whatsoever, commenced in any court of record, or before any justice of the peace, shall in anywise be affected by the laying off or organizing any new county, and all taxes that may be due the State, or any county in the State at the time of organizing any new county, shall be collected in the same manner as if such new county had not been organized.

SEC. 8. Said new county shall, for purposes of representation in the State Legislature, when formed out of a county now organized, remain in the district to which the county from which it was taken belonged until a different apportionment is

Duty of person to whom writ directed.

Election notice to be given.

Who to administer oaths.

Officers falling into new county to continue to act.

Suits commenced, not affected.

For Legislative and judicial purposes to remain in district from which taken, &c.

provided by law, and for judicial purposes shall remain a part of the district to which the original county was attached.

To be attached to county from which largest part taken for Representative and judicial purposes.

SEC. 9. Whenever a new county shall have been formed out of a contiguous county, or one or more counties, the same shall, for representation and judicial purposes, be attached to the county from which the largest portion of territory was taken, and the circuit court shall be holden in such new county at such times as the presiding judge in whose circuit the said new county may be shall appoint; and said judge shall have full power and authority to make all necessary orders in relation thereto.

Duty of commissioners on petition being presented for forming new county.

SEC. 10. That whenever a majority of the legal voters who shall reside in the territory which it is proposed to be transferred to another county shall petition the board of county commissioners of their proper county, after first having given thirty days notice of their intention so to do, by publication in any newspaper published in such county, if any there be, and if not by written or printed notices posted up in three public places in each township in the said county, and shall express in the said petition their desire for such transfer, and shall prove to the satisfaction of the board of county commissioners that they constitute a majority of the legal voters in the territory proposed to be transferred, describing in such petition the line or lines of said proposed change, and the said board shall file the said petition and shall order the question of such transfer to be submitted to legal voters at their next general election, and notice thereof shall be included in the notice of said election; the manner of taking the vote shall be by writing or printing upon the tickets, "For the transfer of territory," or "Against the transfer of territory," and if at such election the voters of the said counties shall, by a majority of the votes cast in each severally, decide in favor of such transfer, the board of county commissioners shall enter upon their order book an order transferring the said territory to the county designated in said petition, and shall forward to the Secretary of State a copy of such order to be by him filed in his office, and such transfer shall take effect from the date of such filing: *Provided*, that in any such transfer of territory no organized county that shall have an area of over four hundred square miles shall be reduced below that quantity, and no organized county with less than four hundred square miles shall be further reduced in area by such transfer; but in all such cases the transfer of territories may be made reciprocally by adjoining counties in the manner aforesaid so as to prevent such reduction by corresponding and equivalent transfers of territories to each other.

Organized county not to be reduced below 400 square miles.

Repealing clause.

SEC. 11. That an act, entitled an act to authorize the formation of new counties and to change county boundaries, ap-

proved March 7, 1857, and also an act, entitled "An act to amend the first section of an act, entitled an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained, approved March 5, 1859, be, and the same are hereby repealed: *Provided*, That nothing herein contained shall be so construed as to affect any county now fully organized under existing laws.

SEC. 12. Whereas the act now in force may be construed to authorize the transfer of territory from one county to another without the consent of a majority of the voters thereof, it is therefore declared that an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage. Emergency declared.

CHAPTER XLV.

AN ACT supplemental to an act, entitled "An act supplemental to an act, entitled an act to provide for the relocation of county seats, and for the erection of public buildings in case of such relocation, approved March 2d, 1855, so as to provide for the relocation of county seats, and for the erection and preparation of county buildings in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a Court House, and when a deed has been executed; to provide also for the transfer of any equitable title for the termination of actions growing out of such relocation, and for the transfer of the former county property," approved December 22d, 1858, so as to provide for the relocation of county seats in counties where no Court House has been erected which have been formed out of the territory of another county, and for the transfer of the county offices, books, &c.

[APPROVED MARCH 7, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That whenever three-fifths of the legal voters of any county which has been formed out of the territory of another county, or when there has been no court house erected, shall petition the board of commissioners thereof for the relocation of the county seat of such county, designating the tract of land where such relocation is desired, and shall cause* Three-fifths legal voters may petition for change.

a deed to be executed by any person or persons having a legal title to such land, conveying the same to such board for sites for a court house and county prison, or for purposes of relocation of not less than *five acres*, such county seat shall be removed in the manner hereinafter provided.

Number of voters required.

SEC. 2. For the purposes of this act the number of legal voters in such county shall be taken and held to be the same as the number of votes polled at the general election in such county next preceding the presentation of such petitions, and no further evidence shall be required by the board of commissioners for such county.

Affidavit as to signatures.

SEC. 3. The affidavit of one or more persons, stating that the signatures to such petitions are genuine, and that the petitioners are legal voters of such county shall be *prima facie* evidence that the facts so stated are true.

Amount to be secured to commissioners.

SEC. 4. Such petitioners, or some person or persons in their behalf, shall, at the time of the presentation of such petitions to the board of county commissioners, secure to such board for the use of the county towards erecting county buildings on such proposed site the sum of one thousand dollars, by filing a bond for the payment of the same as soon as such relocation shall be made, with surety to be approved by the clerk of the Circuit Court for such county, and shall also execute a bond to such commissioners, conditioned that such petitioners, or person or persons in their behalf, will, as soon as such relocation is made, execute a deed conveying to such board of commissioners, in fee simple, a tract of land within the limits of such county, of not less than one hundred and sixty acres, and also every third lot in the town plot of such proposed site.

Duty of commissioners, on bond being filed.

SEC. 5. As soon as such petitions and bonds are filed the county commissioners of such county shall make an order for the relocation of such county seat at the site designated in such petitions, and shall cause all the books, papers and furniture of the several courts and offices of the county to be removed to such new site, and from the time of such order such new site shall be deemed and held to be the county seat of such county, and the courts of the county shall be there held and the county business there transacted as at the county seat of other counties.

Construed liberally.

SEC. 6. This act shall be construed liberally in favor of such relocation, so as to advance and carry into effect the wishes and intention of such petitioners.

Officer failing to perform duty, how proceeded against.

SEC. 7. Should the board of commissioners or any county officer fail or refuse to perform any duty required of them by this act, then, upon the affidavit of any one of said petitioners, the Circuit Court or Court of Common Pleas of such county, shall enforce the performance of such duty by writ of man-

date, as in other cases where a writ of mandate is provided by law.

SEC. 8. This act shall not be taken or considered as repealing any of the provisions of an act, entitled "An act to provide for the relocation of county seats and for the erection of public buildings in case of such relocation," approved March 2, 1855, to which this is a supplement.

SEC. 9. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore this act shall be in force from and after its passage.

Not taken as repealing act of 1855.

CHAPTER XLVI.

AN ACT to provide for the organization of companies to build dams across any stream to afford slack-water navigation.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any number of persons, not less than ten, may form themselves into a corporation for the purpose of building dams across any stream so as to afford slack-water navigation; they shall unite in articles of association, setting forth the name which they assume, designating the stream, the points between which said dams are to be constructed, the amount of capital stock, and the number of shares into which it is divided; the names and places of residence of the subscribers, and the amount of stock taken by each shall be subscribed to said articles of association; whenever the stock subscribed amounts to the sum of ten thousand dollars, copies of the articles of association shall be filed in the office of the Recorder of each county in which said dams are to be built, and shall from that time be a corporation, known by the name assumed in its articles of association. The stock shall consist of shares of twenty-five dollars each.

SEC. 2. Not less than three nor more than seven directors shall be elected by the stockholders of every such corporation, who shall hold their office for one year, and until their successors are in like manner elected; and such directors shall elect one of their number president; notice of the first election for directors shall be given by two weekly publications in some newspaper printed near that part of said water course where said dams are proposed to be built.

Number of directors.

Capital may be increased.

SEC. 3. It shall be lawful for any company which may be organized under this act, to increase their capital stock from time to time for the purpose of repairing said dams, clearing out said stream, or for any other purpose connected with the organization of said company; but before any increase of the capital stock of said company is made, said company shall have obtained the consent of so many stockholders thereof as shall be the owners in the aggregate of at least three-fifths of the original stock.

May have a seal. SEC. 4. Any corporation formed under this act may have a common seal, and the same use, alter or change at pleasure and be capable of purchasing, holding, using and conveying any estate, real or personal, that may be deemed necessary as an appendage, or needed in the construction or repair of said dams.

Keeping books, &c. SEC. 5. The directors shall at all times keep, or cause to be kept, at some proper place to be agreed on by them, proper books of accounts in which shall be entered all the transactions of the company, which books shall be at all times subject to the inspection of the stockholders.

By-Laws. SEC. 6. The officers so elected shall provide a code of by-laws for the government of the corporation, regulating the use and navigation of such part of said water course as lies within the limits of said corporation, the tariff of tolls and water-rents on the same, which by-laws, when approved by a majority of the stockholders, shall become a law and binding until altered or amended by a vote of an annual or called meeting of the stockholders, a statement of the rate of tolls assessed for the navigation of said part of said stream shall be posted up along the same in such conspicuous places as may be determined on by the directors.

Vacancies, adjournments, &c. SEC. 7. The president and directors shall fill all vacancies that may occur in their body; they may sit on their own adjournment or a call of the president, and when the president or secretary is absent, the directors may appoint one of their members to fill the vacancy. The president may, if he deems it advisable for the interests of the company, call a meeting of the stockholders at any time.

Rates of voting. SEC. 8. At all elections of directors each stockholder shall be entitled to vote in person or by proxy in the manner and form prescribed by the by-laws and according to the following scale: One vote for each share, providing one person does not own more than twenty shares, in such case one vote for every five shares over twenty.

Certificates of stock given. SEC. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held, to be signed by the president and secretary, the same to be transferable on the books of the company only, but such stock shall be held

at all times by the company for any delinquency in the payment of any assessment.

SEC. 10. The directors of any company organized under ~~tolls~~ regulated. this act shall have the power of regulating the same.

SEC. 11. Any part of any stream or water course used for slack-water navigation as set forth in the provisions of this act, shall be deemed and taken as a public highway and free to all persons whatever to pass and repass with their boats and other water-craft, and with their produce, goods and chattels, wares and merchandise, such persons conforming to such rules and regulations as may be established by the company for the navigation of said part of said stream, and paying such tolls as may be established and required for the same.

Slack-water streams declared highways.

SEC. 12. Nothing in this act contained shall authorize any corporation to dam any water-course without first procuring an order of the Board of Commissioners of the county in which said dam or other work is to be erected, and shall pay all damages to the owners of any mill or mills damaged by the erection of said dam across said stream, and all damages occasioned to the owners of real estate, or to the inhabitants along the banks of any such stream, and the damages shall be assessed in the same manner as is provided for in article xli, chapter 1, volume 2d, Revised Statutes of 1852.

Order to be procured from the county commissioners, and pay damages that may be sustained.

CHAPTER XLVII.

AN ACT in relation to applying certain funds therein named to the payment of the public debt and raising a revenue for the support of Common Schools, and to repeal all laws in conflict therewith.

[APPROVED MARCH 9, 1861.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be levied and collected as other State taxes are collected for the years 1861 and 1862, on all the taxable property in the State two cents on each one hundred dollars valuation of said property; and for the year 1863, and for each and every year thereafter five cents on each one hundred dollars valuation of said property for the reduction and ultimate extinction of the public debt.

Amount to be assessed on \$100.

SEC. 2. There shall be levied and collected, as other State taxes are levied and collected, in each and every year on all the taxable property aforesaid ten cents on each one hundred

For common school purposes.

dollars valuation, and fifty cents on each taxable poll for the purpose of supporting a general system of common schools.

County auditor
to keep separate
account.

SEC. 3. The several county auditors shall enter in appropriate columns on their respective tax-duplicates and opposite the name of each person chargeable therewith the taxes levied pursuant to this act, and the same, when collected, shall be kept separately, and accounts thereof kept upon the books of the treasurer and auditor respectively, and the same shall be paid over to the State Treasurer as other State revenue.

What revenues
to be applied to
payment.

SEC. 4. That all revenues derived from the sale of any of the public works belonging to the State, and the next annual income thereof, the taxes mentioned in the first section of this act, and any surplus that may remain in the treasury derived from taxation for general purposes, after paying the ordinary expenses of the State government and the interest on the State stocks, other than the original bonds not surrendered, and the State Bank bonds shall be applied towards the payment of the principal of the State debt, as hereinafter provided.

Amount appro-
priated to com-
mon schools.

SEC. 5. The sum of fifty thousand dollars of the funds and revenues mentioned in the fourth section of this act shall be set apart in each and every year, after the year 1861, for the payment of the debt due from the State on the first day of November, 1860, to the common school fund, until the whole of said debt and all interest thereon is paid, and the said sum of fifty thousand dollars, together with the taxes mentioned in the 2nd section of this act shall be distributed annually for common school purposes according to the laws in force at the time in relation to common schools.

What taxes to
go to general
fund.

SEC. 6. That the taxes mentioned in the 1st section of this act, for the year 1861, shall go into the general fund for the payment of the ordinary expenses of the State government.

A sinking fund
created.

SEC. 7. For the purpose of creating a sinking fund for the redemption of the "five" and "two and a half" per cent. bonds chargeable upon the treasury of the State and issued under the provisions of an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville, approved January 19, 1846, and an act supplemental thereto, approved January 27, 1847, there shall be three commissioners entitled the "State debt Sinking Fund Commissioners" to consist of the Auditor, Treasurer, and Agent of State.

Agent of State
to invest mon-
ies.

SEC. 8. The Agent of State, under the direction of such commissioners, shall invest all moneys mentioned in the 4th section of this act, not otherwise appropriated in the purchase of bonds specified in the preceding section.

Bonds taken in
name of Auditor
of State.

SEC. 9. The bonds shall be taken in the name of the Auditor of State for the use of the State debt sinking fund, and

shall be deposited and kept in the office of such auditor. The interest thereon accruing shall be paid semi-annually, as on other bonds of the State, and shall be invested in the further purchase of the bonds aforesaid in the same manner as the original fund is directed to be invested.

SEC. 10. The Agent of State shall keep a registry of the bonds so purchased, which shall show the date, number, and amount of every such bond, to whom issued from, when purchased, and date thereof, and the sum paid therefor, and he shall cause an abstract of such registry to be filed with the Auditor of State in June and December in each year, and also embody the same in his annual report to the General Assembly and Governor.

Agent to keep registry of bonds.

SEC. 11. The Auditor of State shall keep a record of all such bonds, and shall state in his annual report to the General Assembly and Governor the number, description, and amount thereof, the amount of interest received thereon, and how the same is invested, and such other matters as he shall deem of public interest.

Auditor to keep record of bonds, and report number, &c.

SEC. 12. The Commissioners of the State Debt Sinking Fund shall hold an annual meeting in Indianapolis in December of each year, and make such orders for the purchase of bonds herein provided, as will best secure the objects contemplated by this act; and it shall be their further duty to report to the General Assembly within three days from the commencement of each session thereof the condition of such sinking fund, together with such other matters relating to the same as may require, in their judgment, legislative action.

Commissioners sinking fund, when to hold meetings, and duty to report to Legislature.

SEC. 13. Such commissioners shall hold special meetings whenever any two of them shall deem it necessary, or the Governor of the State shall require it.

Commissioners may hold special meetings.

SEC. 14. All laws coming in conflict with this act are hereby repealed; and whereas an emergency exists, therefore this act shall be in force from and after its passage.

Repeal and emergency.

CHAPTER XLVIII.

AN ACT to provide for the payment of the interest on the State Debt of Indiana, due January 1st, 1861.

[APPROVED MARCH 8, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of paying the interest on the State debt, due on the first day of January, 1861, the sum of ten thousand and seventy-five dollars be, and the same is hereby appropriated.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, it is therefore declared that the same shall be in force from and after its passage.

CHAPTER XLIX.

AN ACT to license dogs, and providing for the payment of damages sustained in the maiming or killing of sheep by dogs, declaring unlicensed dogs nuisances, and declaring under what circumstances they may be killed, and prescribing a punishment for killing licensed dogs, and to provide penalties for the violation of any provisions of said act by officers and others.

[APPROVED MARCH 11, 1861.]

Owner when to
have registered
and amount for
license.

Proviso, and
who issue li-
cense.

Duty of trustee.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every owner or keeper of a dog or dogs shall, on or before the first Monday of January in each year, cause his, her or their dogs, it or them to be numbered, registered, described and licensed for one year from that date in the office of the trustee of the township where he, she or they reside, and shall pay for such license fifty cents for the first male dog six months old or over, and one dollar for every additional dog so owned or kept: *Provided*, No bitch shall be licensed for less than one dollar. The license shall be issued and the money received by the township trustee to be used and appropriated with other funds for the purposes hereinafter enumerated. The township trustee shall receive for each license so issued the sum of ten cents out of said funds.

The trustee shall keep an accurate and separate account in a book provided for that purpose, the amount of all sums received and paid out under the provisions of this act, which account shall always be open to the inspection of any voter or citizen of the township.

SEC. 2. It shall be the duty of the township assessors in assessing the personal property in their respective townships, to ascertain under oath or otherwise, the number of dogs and their kind owned or kept by every person in their townships, and report the same to the township trustee with the names of their owners, on or before the first day of June in each year, and every dog not licensed under the provisions of this act is hereby declared a nuisance, and it shall be lawful to kill any such dog when found off the premises or out of the presence of the owner.

SEC. 3. All funds received for licenses on dogs together with all fines collected for violations of this act, except so much as is allowed for the issuing of licenses, be and the same is hereby set apart in the several townships of this State for the payment of damages sustained by the owner or owners of any sheep maimed or killed by dogs in their respective townships.

SEC. 4. Any person may present to the township trustee within ten days after such loss shall come to his or her knowledge, wherein the damage is done, proof thereof to the satisfaction of the township trustee, and thereupon said trustee shall enter in his book all such damages to the credit of the owner of such sheep maimed or killed, and at the expiration of each current year it shall be the duty of said trustee to pay over to the persons so credited in full the amount of their credit. *Provided*, There is sufficient amount of funds arising from license, together with the fines collected under this act, in the township treasury at the time.

SEC. 5. If it shall appear that the fund set apart for this purpose is not sufficient to pay the whole amount of damages sustained by the owners of sheep, the township trustee shall divide the whole of said fund among the persons credited, in full discharge of damages thus sustained, and any surplus that may arise under the provisions of this act shall be school funds and distributed equally to the schools in said township, annually.

SEC. 6. That in every case when sheep are maimed or killed by dogs, the owner of such sheep may recover against the keeper or owner of such dogs the full amount of damages, and upon the recovery of such damages he shall not be entitled to draw any portion from the township trustee.

SEC. 7. No new license for the then current year shall be

New license not required, on removal.

Duty of township assessors.

For what purpose funds set apart.

Duty of trustee when loss presented at proper time.

If fund set apart not sufficient, how trustee to divide fund.

Sheep maimed, owner may recover against keeper.

required upon the removal of any licensed dog into any other township.

Officer neglecting to perform duty, how dealt with.

SEC. 8. Any township assessor, township trustee or other officer who shall refuse or neglect to perform the duties imposed on him by this act, shall be fined in any sum not less than ten nor more than twenty dollars, upon complaint before any justice of the peace by any citizen of the township, which shall be paid into the township treasury to be appropriated in like manner with other funds under the provisions of this act.

Prosecutions.

Persons injuring licensed dog fined.

SEC. 9. Prosecutions under this act shall be in the name of the State of Indiana.

SEC. 10. Any person who shall kill or injure any dog licensed under the provisions of this act, unless such dog be found unlawfully chasing, worrying or injuring sheep or other domestic animals, or in other mischief, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, and he shall be liable to the owner in an action for the amount of damages or injury sustained. But nothing in this act shall be so construed as to prohibit the common councils of cities and authorities of towns from levying a specific tax on dogs as now provided by law.

CHAPTER L.

AN ACT defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.

[APPROVED FEBRUARY 22, 1861.]

Officer, how dealt with when charged with investment of funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That if any officer or other person charged, or in any manner entrusted with any money, fund, securities or other property belonging to this State, or belonging to any fund under control of this State, or under the control of any State officer, shall convert to his own use, or to the use of any other person or persons, corporation or corporations, in any manner whatever contrary to law, or shall use by way of investment in any kind of property, or shall loan either with or without interest, or shall deposit with any person or persons, corporation or corporations, contrary to law, or shall exchange for other funds, except as allowed by law, any portion of such money, funds, securities, or other property, he shall be deemed

guilty of a felony, and upon conviction thereof shall be imprisoned in the State Prison not less than one nor more than twenty-one years, and be fined not exceeding double the value of the money, funds, securities or other property so unlawfully used, converted, invested or exchanged; and any failure or refusal of any such officer or person to pay over, or produce any such money, funds, securities or other property when demanded by any officer or person entitled to receive the same, or when required by law, shall be held *prima facie* evidence of such felony, and it shall be competent and *prima facie* evidence for the purpose of showing a balance against such officer or person, to produce a transcript from the books of the State Treasurer, or from the books of the Auditor of State, or other proper officer, showing such balance to be in his hands.

SEC. 2. If the Treasurer of State, or other State officer shall wilfully or fraudulently make any untrue or false statement in regard to the amount of money on hand in the treasury of the State of Indiana, when a statement is required of him by law, he shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the State Prison not less than one year nor more than fourteen years.

SEC. 3. If the Treasurer of State, or any deputy or person in his employ shall pay out or receive any public money in any other manner than as prescribed by law, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and be imprisoned in the county prison not less than one year.

SEC. 4. If the Treasurer of State shall accept, receive or seek to be allowed in his favor, any warrant or voucher from any creditor of this State, without having paid to such creditor in such funds as such treasurer may have received for disbursement, or such other funds as he may be authorized to take in exchange, the full amount specified in such warrant or voucher, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum equal to the difference between the amount paid and the amount of the warrant or voucher, and be imprisoned in the county prison not less than one nor more than twelve months.

SEC. 5. If the Secretary, Auditor, or Treasurer of State, or any deputy or other person in their employ, or in the employ of either of them; shall receive any fee, bonus, gratuity or perquisite of any kind, on account of any public money, or on account of any public or official duty, and shall fail or neglect to report and to pay the same into the treasury of State, in the manner and at the time required by law, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum equal to double the value of

Officer making
an untrue state-
ment, deemed
guilty of felony.

Treasurer pay-
ing or receiving
without law,
deemed guilty of
misdemeanor.

Treasurer shall
not accept, &c.,
allowance in his
favor from cred-
itor of State, &c.

State officers or
deputies not al-
lowed to receive
fee, bonus, &c.,
and penalty for
so doing.

the amount so received, and be imprisoned in the county prison for not less than one month nor more than one year.

If treasurer refuse to pay warrant out of proper funds in his hands, penalty prescribed.

SEC. 6. If the Treasurer of State, having money belonging to any public funds in his hands, shall refuse to pay any warrant drawn on such funds, or if any such officer at the expiration of his term of office, shall fail or refuse to pay or deliver over to the person or persons authorized to receive the same, any money or other property in his hands as such treasurer, he shall be deemed guilty of a felony, and upon conviction thereof be imprisoned in the State Prison for a term not exceeding twenty-one years, and not less than one year, and shall be fined in a sum equal to the value of the money or property so withheld by him.

Officers or persons, try to prevent inspection of treasury, what guilty of, and punishment.

SEC. 7. If any officer of State, or any other person shall hinder, or attempt to hinder, obstruct, or attempt to obstruct any inspection or examination of the State treasury by persons authorized to make such inspection and examination, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty and not exceeding one hundred dollars, and be imprisoned in the county prison for three months.

If auditor draw warrant on any but proper fund, punishment prescribed.

SEC. 8. If the Auditor of State shall draw any warrant upon the Treasurer of State, unless there be money in the treasury belonging to the particular fund upon which the same is drawn to pay the same, and in conformity to appropriations made by law, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, and be imprisoned in the county jail not less than one nor more than six months.

Punishment prescribed if treasurer divert funds.

SEC. 9. If the Treasurer of State shall use the money of any particular fund, or the money appropriated by law for any particular purpose, to pay any warrant drawn upon any other fund or appropriation, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five thousand dollars, and be imprisoned in the county jail not less than one month nor longer than six months.

Construction given.

SEC. 10. The provisions of this act shall be construed as cumulative, and not as repealing any act providing any punishment for similar offences; except so much and so far only, as provides punishment for the same identical offence; and the evidence provided for in the first section of this act shall be competent and have the same effect in trials upon all other offences named in this act, so far as it may be pertinent and proper.

Emergency declared.

SEC. 11. Whereas, an emergency exists for the immediate taking effect of this act, it is hereby declared that the same

shall take effect and be enforced from and after its passage and publication in the Daily State Sentinel and Indianapolis Daily Journal.

NOTE.—Published in Daily Journal and Sentinel March 1, 1861.

CHAPTER LI.

AN ACT to amend section forty-eight of an act, entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17th, 1852.

[APPROVED JANUARY 28, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That* section forty-eight of the above entitled act, which reads as follows, viz:

"Such executor or administrator, immediately after filing any such inventory and appraisement, shall proceed to sell at public auction the personal property of the deceased;" be amended so as to read as follows:

Such executor or administrator, immediately after any such inventory and appraisement, shall proceed to sell at public auction the personal property of the deceased; but whenever it shall be advantageous to the estate, the executor or administrator may postpone the sale of all or any portion of the personal property until the first term of the Common Pleas Court succeeding the filing of the inventory. For the same cause the Court may, at any time after the filing of the inventory, on petition of the executor or administrator, and satisfactory proof, postpone the sale of all or any portion of the personal property from time to time any period deemed necessary. If the sale of said property is required for the payment of debts it shall not be postponed longer than six months after filing the inventory. No notice of the filing of such petition shall be required, nor shall the creditors or the heirs be necessary parties, but any one of either, or any legatee, may appear and contest the same. The Court may also require additional security from the executor or administrator when necessary for the safety of the estate. When all the liabili-

Amended to postpone sale of personal property until 1st term common pleas court after filing inventory.

Additional security required of executor, &c.

ties of the estate are paid and satisfied it may, on petition of all the heirs and other persons entitled to distribution, be finally settled without the sale of such property by the administrator or executor.

What estates applying to.

SEC. 2. The provisions of this act shall apply to the estates of persons dying before as well as those dying after the passage of this act.

Emergency declared.

SEC. 3. Whereas estates are about to be sacrificed under the provisions of the present law, it is hereby declared that an emergency exists for the immediate taking effect of this act, the same shall, therefore, take effect from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

NOTE.—Published in Daily Journal, January 30, 1861, and in Daily Sentinel, February 2, 1861.

CHAPTER LII.

AN ACT to amend the first section of an act, entitled "An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence and gone to parts unknown," approved March 5th, 1859.

[APPROVED MARCH 9, 1861.]

Sec. one recited. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of an act, entitled "An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence and gone to parts unknown," approved March 5th, 1859, which said section reads as follows, to-wit:

"Be it enacted by the General Assembly of the State of Indiana, When any resident of this State shall have absented himself from his usual place of residence and gone to parts unknown for the space of ten years, leaving property, real or personal, without having made any sufficient provision for the management of the same, and when in such case at any time it shall be made to appear to the satisfaction of the Court having probate jurisdiction in the county where such person last resided, or where such property is situated, by complaint and proof after thirty days' notice to such person by publication in a newspaper of general circulation, published at the capital of the State, and also in a paper published in such county, if there is any,

that such property is suffering waste for want of proper care, or that the family of such person are in need of the use and proceeds of such property for their support or education, it shall be presumed and taken by such Court that such person is dead, and the Court shall have jurisdiction over the estate of such person in the same manner and to the same extent as if dead, and shall appoint an administrator of his estate who shall have all the powers and rights over such estate and be subject to all the liabilities and duties in relation thereto that appertain to administrators of decedents' estates under chapter 10 of the Revised Statutes of 1852, being 'An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement,' and of any acts amendatory thereto, shall be so amended as to read as follows, to-wit:

When any resident of this State shall have absented himself from his usual place of residence and gone to parts unknown, for the space of five years, leaving property, real or personal, without having made any sufficient provision for the management of the same, and when in such case, at any time, it shall be made to appear to the satisfaction of the Court having probate jurisdiction in the county where such person last resided, or where such property is situated, by complaint and proof, after thirty days' notice to such person by publication in a newspaper of general circulation, published at the capital of the State, and also in a paper published in such county, if there is any, that such property is suffering waste for want of proper care, or that the family of such person are in need of the use and proceeds of such property for their support or education, or that the sale of any such property or part thereof shall be necessary for the payment of his debts, it shall be presumed and taken by such Court that such person is dead, and the Court shall have jurisdiction over the estate of such person in the same manner and to the same extent as if dead, and shall appoint an administrator of his estate, who shall have all the powers and rights over such estates and be subject to all the liabilities and duties in relation thereto, that appertain to administrators of decedents' estates under chapter (10) of the Revised Statutes of 1852, being "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," and of any acts amendatory thereto.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

NOTE—Published in Daily State Journal March 22, 1861, and in Daily Sentinel March 23, 1861.

Amended to five years, instead of ten.

Emergency declared.

CHAPTER LIII.

AN ACT to authorize administrators and executors to administer oaths to appraisers and clerks who may be employed in connection with decedents' [estates.]

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all administrators and executors may be authorized, and are hereby empowered to administer all oaths necessary to be taken by appraisers of personal and real property, and clerks of sales in the settlement of decedents' estates.

CHAPTER LIV.

AN ACT to make the register, catalogue, tract-book, plat-book and description of lands kept in the Land Offices of the United States, and in the Canal and Michigan Road Land Offices, and copies thereof, *prima facie* evidence of the truth of their contents.

[APPROVED MARCH 6, 1861.]

Books, what
kind, and how
made evidence.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the register, catalogue, tract-book, plat-book and description of lands, kept at any Land Office of the United States, located in this State, or at any office for the sale of Canal or Michigan Road Lands, and copies thereof, duly certified as true and complete by their proper keeper, and copies duly certified by the Auditor of State, as true and complete copies from said original documents, or from copies of the same, legally deposited in the office of said Auditor of State, shall be admissible in evidence in civil actions in all the courts of this State, and shall be taken and held as *prima facie* evidence of the truth of their contents.

Emergency de-
clared.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act; it shall, therefore, take effect and be in force from and after its passage.

CHAPTER LV.

AN ACT to amend an act, entitled an act supplemental to an act, entitled "An act to exempt property from sale in certain cases," approved February 17th 1852, approved March 5th, 1859, and to provide for the making out of a schedule by the wife in the absence of the execution defendant.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section first of the above entitled act, which section reads as follows, to-wit:

"SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That before any person shall be entitled to the benefit of the provisions of the above recited act he shall make out and deliver to the sheriff or other officer having the writ an inventory of all his or her real estate, money on hand or on deposit, rights, credits and choses in action belonging to him at the date of the issuing of the writ, or in which he had any interest, and make and subscribe an affidavit to the same, that such inventory contains a full and true account of all such property as required in this act to be set out in the said inventory, had or held by him at the time such writ was issued, and if any such property has been disposed of by him since the issuing of the writ, such affidavit shall show that fact, and how the same has been disposed of, and what disposition he has made of the proceeds, and until such inventory and affidavit shall be furnished to such officer, he shall not set apart any property to the execution-defendant as exempt from execution," be, and the same is hereby, amended to read as follows, to-wit:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That before any person shall be entitled to the benefit of the provisions of the above recited act, he shall make out and deliver to the sheriff or other officer having the writ, an inventory of all of his or her real estate, within or without this State, money on hand or on deposit within or without this State, rights, credits and choses in action, and all personal property of every description whatever belonging to him or in which he had any interest at the date of the issuing of the writ, and make and subscribe an affidavit to the same that such inventory contains a full and true account of all such property as required in this act to be set out in the said inventory, had or held by him at the time such writ was issued, and if any such property has been disposed of by him since the issuing of the writ, such affidavit shall show that fact, and how the same has been disposed of, and what disposition he has made of the proceeds, and until such inventory and affidavit shall be furnished to such officer, he shall not set apart

Amended to
read within or
without the
State.

any property to the execution-defendant as exempt from execution.

Execution-defendant absent, who may make schedule.

SEC. 2. That in any case where the execution-defendant is absent from this State the wife of said defendant may make out the schedule required in this act, and verify the same by her affidavit, and the said schedule, when so made and delivered to the officer holding the writ, shall entitle the wife to claim and hold for her husband the amount of property which by law is exempt from execution.

CHAPTER LVI.

AN ACT for the relief of borrowers of the Sinking Fund, and to repeal the fourth section, and so much as applies to the Sinking Fund of the whole act entitled, "An act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto," approved March 3d, 1859, and prescribing how mortgages may be substituted, and containing some provisions respecting the Sinking Fund and its control and management, and matters properly connected therewith.

[APPROVED MARCH 9, 1861.]

Loans, how paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That loans made from the Sinking Fund, and which are not yet due, according to the tenor of the mortgage or obligation given for the same, may be paid, as to the principal, provided the interest be annually paid for one year in advance, and paid at the appropriate time, in five equal annual installments; the first installment, and the interest for one year in advance on the residue, to be paid on the day in the year one thousand eight hundred and sixty-three (1863,) corresponding as to the month and day of the month with the date of the mortgage, and one installment of one-fifth of the loan, and the interest for one year in advance on the residue, shall be paid at the end of each year thereafter, until the whole debt is paid, so that the last installment shall be paid within four years from the time stipulated for the payment of the first; and loans that have matured, according to the stipulations of the mortgage or bond given for the same, may be paid, as to the principal, provided the interest be annually

paid for one year in advance, and paid at the appropriate time, in five equal annual installments, the first installment, and the interest on the remainder for one year in advance, to be paid at the time the first installment is above required to be paid on loans not now due, and one installment of one-fifth of the loan, and interest for one year in advance on the residue, be at the end of each year thereafter, until the whole debt is paid, so that the whole debt should be paid within four years from the time herein provided for the payment of the first installment: *Provided, however,* That on any failure to pay any installment, on or before the time it falls due, or any interest, the whole debt shall become due and may be collected as now, or hereafter may be provided by the law: *Provided, further,* That when the extension of time beyond the time stipulated in the mortgage or obligation, would if valid, operate to release any one bound as principal or surety, or to release any property mortgaged or held as security for the debt, the extension of time, notwithstanding a payment of the installment and interest in advance, on the residue shall have been made, shall be inoperative, and no release of any one bound, or property mortgaged or held, shall result therefrom.

SEC. 2. Any extension of a loan, or any part thereof, beyond the maturity thereof, as expressed in the mortgage, note, bond, contract or obligation given for the same, granted or that may be granted by any officer or officers, the effect of which, if valid would be a release of the security, real or personal, held for the debt, is hereby declared invalid and not binding, and no extension of time, or release of security shall result therefrom, and no officer or officers shall have any power to make any such extension.

SEC. 3. The rights and liabilities of any who has substituted a mortgage in place of any one given on a loan of any of said funds, shall be the same as it respects the benefits of this act, and the validity of the mortgage as if the substituted mortgage had been given on a loan actually made, and all such mortgages are hereby declared to be valid and obligatory; and if hereafter a mortgage shall be made by an existing mortgagor, or by any other person as a substitute for another mortgage, which may be done in such cases as the officer or officers having charge of the fund may believe the fund will receive no detriment thereby, the mortgage so to be substituted shall be made payable as follows: one-fifth thereof, and the interest for one year in advance on the residue at the time when the mortgage would have matured according to its tenor for which it may be substituted, and one-fifth, and the interest for one year in advance on the residue, at the end of each year thereafter till the whole debt is paid. If the mortgage for

Extension beyond maturity, not to be made.

Substitution of mortgage declared valid and obligatory, and payment of, how and when made.

which the substitution is made has according to its tenor fallen due at the time the substitution is made, the first installment of one-fifth, and the interest for one year in advance on the residue, shall be made payable in and by the substituted mortgage at the end of the time for which interest has been paid in advance on the original mortgage; and one-fifth, and the interest for one year in advance on the residue at the end of each year thereafter till the whole debt is paid. Substituted mortgages may be collected and enforced as heretofore, and as mortgages to the same fund given for loans are or may be collected and enforced, and by the laws that are or may be enacted governing the fund to which they belong, and all mortgages made pursuant to this act shall fall due as to the whole debt for failure to pay when due, any interest or installment, and the officer having charge of the same may, if he see proper, enforce the same as provided by the law governing the fund to which it belongs.

Privilege that
mortgagor has
under this act
extended to
buyers from
fund on credit.

SEC. 4. The privileges that a mortgagor or borrower may have under this act may be extended to any one who has bought real estate on credit from the officer or officers having charge of any of said funds, on the condition herein imposed upon borrowers or mortgagors, that is to say, a debt thus accrued and unpaid is hereby placed, as to benefits of this act, on the footing of a loan, as far as applicable and appropriate to the intent of this act.

Repealing
clause.

SEC. 5. The fourth section of the act entitled, "An act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, Saline Fund, Congressional School Fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto," approved March 3d, 1859, and so much of the remainder of said act as applies to the Sinking Fund, and all other acts conflicting with the provisions of this act, in so far as they conflict herewith, are hereby repealed.

CHAPTER LVII.

AN ACT to amend the second and fifth sections of an act, entitled "An act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock mortgages and for other purposes," approved January 28th, 1847, and containing some provisions respecting the reinstating of mortgages given for loans made from the sinking fund, or any fund, loaned by the Auditor or Treasurer of State, and of sales made on account of any of said funds, and respecting the collection, safety, and control of said funds, the time, place and manner of making sales, the proceedings against purchasers who fail to comply, and matters properly connected therewith, and to authorize the conversion of Indiana stocks into bank bonds, and requiring the commissioners to account for all interest on deposits of income of the fund, and making the same a part thereof.

[APPROVED MARCH 8, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the second section of the act, entitled "An act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock mortgages and for other purposes, approved January 28, 1847," which is in the following words, to-wit:*

"SEC. 2. That in all cases of premises mortgaged to the Sinking Fund, or any fund loaned by the Auditor or Treasurer of State, being sold for failure to pay interest, the mortgagor, his heirs or assigns, shall have the privilege of reinstating such mortgage within sixty days after such sale, by paying the amount of interest and costs due thereon, and the interest for one year in advance," be, and the same is amended so that law on that subject shall be enacted as follows:

That whenever real estate shall be sold that has or may be mortgaged to the State, on a loan of Sinking Fund money, or on a loan of any of the funds loaned by the Auditor or Treasurer of State, or as a substitution, the mortgagor, his heirs or assigns, provided five years have not elapsed since the date of the mortgage, shall have the privilege of reinstating said mortgage within sixty days after such sale, by paying into the fund from which the loan was made the amount of the interest and cost due thereon, and the interest for one year in advance, with five per cent. damages for the use of the purchaser on the amount of money by him actually paid on his purchase; but if five years have elapsed since the date of the mortgage at the date of sale, that is to say, if five years or upwards have then elapsed since the loan

Amended to
read if 5 years
not elapsed
mortgagor to
have privilege
to reinstate, and
manner of do-
ing.

was made, then, and in that case, the mortgagor, his heirs or assigns, may reinstate the mortgage at any time within sixty days from the day of sale by paying into the fund the full amount of all interest and cost due, one-sixth of the principal and the interest for one year, in advance on the residue with five per cent. damages for the use of the purchaser on the amount by him actually paid in the purchase of the same: *Provided, however,* That the damages to be paid for the use of the purchaser, as required by this act, shall, where the sale shall be made on a credit, be estimated only on the amount of interest that such purchaser is required to pay in advance on the purchase money, and shall not be estimated on the principal of the purchase money in any case except where the sale is made for cash.

Purchaser if holding certificate and resold for reason of default in payment, may reinstate purchase, and how done

SEC. 2. Whenever real estate so mortgaged has or shall be sold on a credit, and is or may be held by certificate of purchase, shall be afterwards resold by reason of the default of the purchaser, said purchaser, his heirs or assigns may reinstate his purchase by making the same payments and complying with the same terms herein imposed on a mortgagor, that is to say, if five years have not elapsed since the date of the sale to him, he or his heirs or assigns may reinstate at any time within sixty days from the date of the re-sale, on the same terms that apply herein to a mortgagor, whose mortgage has not been made five years before the sale of the mortgaged premises; and if five years have at the date of the re-sale elapsed since the date of his purchase, he may reinstate at any time within sixty from the date of the re-sale on the same terms that apply to a mortgagor whose mortgage has been made five years or more before the date of the sale of the mortgaged premises.

If resold, surplus if any, how applied.

SEC. 3. Whenever real estate sold on a credit by the officers of any of said funds, and held by the purchaser by an unpaid certificate of purchase, shall be afterwards resold on account of the purchaser's failure to make payment as required by law, and on such re-sale brings a surplus over and above the principal, interest, damages and costs due or to become due the fund, such surplus shall be paid to the owner of the certificate of purchase, his heirs or assigns; but if the re-sale is on a credit such surplus shall not be paid to the owner of the certificate until the consideration money is paid into the fund by the last purchaser.

If sold on credit, surplus not to be paid over until payments made.

SEC. 4. Whenever property mortgaged to any of said funds is sold on a credit for a surplus above the debt, interest, damages and costs, neither the mortgagor, his heirs or assigns shall have any right to demand such surplus from the fund until the purchase money is paid in; and such is hereby de-

clared to be the true meaning of the law as it stood before the passage of this act.

SEC. 5. In reinstating a mortgage or purchase, it shall not be necessary for the mortgagor to execute a new mortgage nor the purchaser a new bond; but the mortgage or purchase may be reinstated as heretofore without the execution of a new mortgage or bond by the payments herein required, unless the officers having charge of the fund shall believe that the safety of the fund requires it, in which case a new mortgage with additional property, or a new bond with additional surety, as the case may be, may be required.

To reinstate mortgage, not necessary to execute new mortgage or bond.

SEC. 6. That the fifth section of the act, in the first section hereof named, which is in the following words and figures, to-wit:

Section 5 re-cited.

"That the act, entitled 'An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund,' approved January 20th, 1846, be, and the same is hereby repealed: *Provided*, That it shall continue to be the duty of the Sinking Fund Commissioners to make their annual sale of delinquent lands at Indianapolis, on the second Saturday in December of each year; and the laws in force on that subject previous to the passage of said act be, and the same are hereby revived," be so amended that the law on that subject shall be and is hereby enacted as follows:

That the act, entitled "An act prescribing the mode of advertising lands mortgaged to the sinking fund," approved January 20th, 1846, be, and the same is hereby, repealed, and the law in force as to the mode and manner of advertising sales previous to the passage of said act are hereby revived as to annual sales. It shall be the duty of the Sinking Fund Commissioners to make their annual sales of delinquent lands at or within the Court House in the city of Indianapolis, beginning on the second Tuesday of December of each year, and continuing the same from day to day until completed, and they may re-expose any real estate offered and not sold, as well as anywhere, the purchaser does not comply with the terms of the sale, and they shall not on such re-sale be required to receive a bid from such delinquent purchaser, nor from any one they believe to be acting in his behalf. Nothing herein shall be so construed as to prevent the said commissioners from selling lands belonging to the State on account of said fund, at public sale at any other season of the year after due notice, nor selling such lands at any time at private sale as heretofore authorized.

Amended to repeal present, and reviving former law, as to mode of advertising sales, and duty of commissioners as to sales.

SEC. 7. Whenever the purchaser of any real estate sold by the commissioners of the sinking fund or by the Auditor or Treasurer of State, shall fail or refuse to comply with his purchase and complete the same, he shall be liable, on motion, to be made by the said commissioners, Auditor or Treasurer,

When purchaser fails to comply, subject to judgment for full amount and damages.

as the case may be, in the Circuit Court of Marion county, five days' notice being given, to a judgment for the full amount of the purchase money and damages not exceeding ten per cent. and interest, with cost, and without relief, or the said property may be re-exposed on the same or any subsequent day, according to law, and if the amount bid at the second sale shall not be equal to the amount bid at the first sale, and the cost of the second sale, the first purchaser shall be liable to a like judgment for the deficiency and damages thereon not exceeding ten per cent. and interest and cost, to be recovered on like notice and motion as above provided. This section does not apply to purchasers who comply with the terms of the sale, but afterwards make default as to subsequent payments or interest.

Commissioners authorized to exchange 5 per cent stocks for bank bonds.

SEC. 8. The commissioners shall be authorized to exchange or convert the Indiana five per cent. stocks belonging to the fund into bank bonds, as the same can be procured or purchased on the best terms practicable, and while the income of the fund is accumulating for distribution or for purchasing bank bonds, or other purposes of law, they shall have power to deposit the same in responsible banking institutions, with satisfactory security to the amount thereof at any time, at interest, for the benefit of the fund, but payable on demand. All interest that shall accrue on any deposit of sinking fund shall be carried into the fund and become a part thereof.

Certificate of purchase assignable.

SEC. 9. Any person who may at any time hold a certificate of purchase may assign or transfer the same, and the bond of the assignee, with ample security, may be taken in place of the bond of the assignor or purchaser, where the sinking fund commissioners, or other officers controlling the fund, on account of which the sale was made, believe the fund will receive no detriment from such substitution, and the liability of such substituted person shall be the same as that of the purchaser, but he shall not be entitled to a deed until he shall make full payment, or entitle himself to a deed by the substitution of a mortgage as now provided by law.

Mortgages given to county auditors on loans, may contain certain provision.

SEC. 10. The mortgages upon which county auditors shall hereafter make loans may contain a provision that the mortgagor shall give a new mortgage with additional and ample security, whenever notified by the auditor that the property embraced in the first mortgage is inadequate, and the whole debt shall instantly fall due for failure to do so. Where the interest is punctually paid, and the security is ample, such debt shall not be collected until the maturity thereof.

Emergency declared.

SEC. 11. It is hereby declared that an emergency exists for the immediate taking effect of this act, and it shall take effect and be in force from and after its passage.

CHAPTER LVIII.

AN ACT to authorize the President of the Board of Sinking Fund Commissioners (late President of the State Bank of Indiana,) to make deeds and satisfy mortgages in certain cases therein named.

[APPROVED MARCH 4, 1861.]

WHEREAS, Since the expiration of the Charter of the State Preamble. Bank of Indiana, it has been discovered that a tract of land sold by that Bank, paid for and intended to have been conveyed, was conveyed by a wrong description so that the purchaser has received no title to the same, and that a mortgage for a large amount was not properly satisfied either upon the mortgage or upon the record or otherwise, though fully paid off; and whereas, the parties interested can constitute no legal proceedings because the said corporation has ceased to exist, and there is no party that can be made a defendant, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the same powers as to the making of deeds of conveyance and the entering of satisfaction of mortgages that belonged and appertained to the State Bank of Indiana or its President before the expiration of the Charter of said Bank, be and the same is hereby conferred upon the President of the Board of Sinking Fund Commissioners, so that any conveyance made by him, and any satisfaction entered by him shall be as valid and effective as if made by the State Bank of Indiana, or the President thereof, before the Charter of said Bank expired, but no such deed or satisfaction shall be of any validity whatever, if it shall thereafter be made to appear that the party for whose benefit the deed or satisfaction was made was not entitled to the same.

Certain powers possessed by old State bank, or president, conferred on president of board.

CHAPTER LIX.

AN ACT to amend section four of an act entitled "An act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalties for the violation of this act," approved February 26th, 1857.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section four of the above entitled act, which reads as follows, to-wit:

Section 4 re-cited.

"Sec. 4. It shall be unlawful to shoot, trap, or otherwise destroy, any prairie hen or chicken, between the first day of January and the first day of August, in each year; and any person or persons so violating the provisions of this section, shall upon conviction be fined two dollars for each prairie hen or chicken so unlawfully shot, trapped or otherwise destroyed; the proceeds of such fine to be disposed of as heretofore provided," be and the same is hereby amended to read as follows, to-wit:

Amended to first day of February and August.

SEC. 4. It shall be unlawful to shoot, trap or otherwise destroy any prairie hen or chicken, between the first day of February and the first day of August, in each year; and any person or persons so violating the provisions of this section, shall, upon conviction, be fined the sum of two dollars for each prairie hen or chicken so unlawfully shot, trapped or otherwise destroyed, the proceeds of such fine to be disposed of as heretofore provided.

CHAPTER LX.

AN ACT to amend the third section of an act entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26th, 1857.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the third section of an act entitled,

"An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26th, 1857, which reads as follows, to-wit:

"Sec. 3. That it shall be unlawful to shoot, trap or net pheasants or quails, between the first day of January and first day of October, in each year; and any person or persons so shooting, trapping or netting pheasants or quails in violation of this provision, shall, on conviction, be fined two dollars for each pheasant or quail so shot, trapped or netted, the amount of the penalty to be appropriated as in the preceding section," be and the same is hereby amended to read as follows:

SEC. 3. That it shall be unlawful to shoot, trap or net pheasants or quails between the first day of February and the first day of November, in each year, and any person or persons so shooting, trapping or netting pheasants or quails in violation of this provision, shall, on conviction thereof, be fined the sum of one dollar for each pheasant or quail so shot, trapped or netted, the amount of said penalty to be appropriated to the Common School Fund.

Amended to first day of February and November.

CHAPTER LXI.

AN ACT authorizing the Governor to obtain possession of all public arms and military equipments belonging to the State of Indiana, or distributed by the General Government to the same, and which are not in possession of companies meeting regularly for drill; and to institute proceedings at law to recover the said arms and equipments, or the value thereof, and also to provide for the distribution of the public arms, and to repeal all laws in conflict therewith.

[APPROVED MARCH 5th, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the Governor is hereby authorized and directed to take possession of all public arms and military equipments belonging to the State of Indiana, or which have been, or hereafter may be distributed by the General Government to the State of Indiana, and which are not at the date of the passage of this act, or at any time thereafter, in the possession of any military companies meeting regularly for drill.*

Authorized to take possession of public arms belonging to State.

Authorized to
institute pro-
ceedings to re-
cover arms.

SEC. 2. To enable the Governor to carry out the provisions of the preceding section, he is hereby authorized to institute and prosecute any and all legal proceedings that may be necessary to recover possession of the arms and equipments in the said section mentioned, and in case said arms and equipments cannot be recovered; and bonds or other obligations have been given for their safe keeping, he shall cause suit to be instituted upon said bonds or other obligations, where the parties thereto are solvent, to recover the value of said arms and equipments.

Duty to distrib-
ute public arms
now in possess-
ion of State.

SEC. 3. It shall be the duty of the Governor to distribute such public arms as are now in possession of the State, or which may hereafter be obtained by virtue of the provisions of this act, or otherwise, to regularly organized volunteer companies in the different portions of the State, as in his discretion may seem best, taking into consideration locality and distributions already made; first obtaining bonds, with good and sufficient surety, for the safe-keeping or return of the same.

Repealing
clause.

SEC. 4. All laws and parts of laws coming in conflict with the provisions of this act, are hereby repealed.

Emergency de-
clared.

SEC. 5. A large portion of the public arms now in the State of Indiana being entirely unavailable, and suffering from neglect, it is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

CHAPTER LXII.

AN ACT to amend the sixteenth section of an act entitled "An act touching the relation of guardian and ward," approved June 9th, 1852.

[APPROVED MARCH 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sixteenth section of an act entitled "An act touching the relation of guardian and ward," approved June 9, 1852, which reads as follows, to-wit:

"Upon such application being filed in writing, verified by the oath of the guardian, the Court, if satisfied of the propriety of selling such

real estate, shall appoint two freeholders of the county to appraise said real estate," is hereby amended to read as follows:

Upon such application being filed in writing, verified by the oath of the guardian, the Court, if satisfied of the propriety of selling such real estate, shall appoint two freeholders of the county wherein such land is situated, to appraise such real estate, and in case where such lands are situated in more than one county, the Court shall, if deemed necessary, appoint two freeholders of each county wherein such lands are situated, to appraise the real estate in each of such counties.

CHAPTER LXIII.

AN ACT to amend section forty-nine of an act entitled, "An act to provide for the opening, vacating and change of highways," approved June 17th, 1852.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section forty-nine of an act entitled, "An act to provide for the opening, vacating and change of highways," approved June 17th, 1852, which is in the words following, to-wit:

"Sec. 49. Any person may have a private road laid out, changed, or vacated, upon presenting a petition to the trustees of the township in which such petitioner may reside, under regulations herein-before provided for roads running through one township only. If such private road shall extend into more than one township, such petition shall be presented to the county board under the same regulations as is provided in case of highways running into more than one township: *Provided*, That such board or trustees may order such private road to be laid out, changed or vacated without any view, if there be no remonstrance against such petition; shall open and keep in repair such road at his own expense: *and provided further*, that such road may be either dirt, plank, McAdamized, gravel or railroad," be and the same is hereby amended so as to read as follows, to-wit:

SEC. 49. Any person or persons may have a private road laid out, changed or vacated, upon presenting a petition praying therefor, signed by the person or persons asking for the Amended to present petition to county board.

same, to the board of commissioners of the county in which such petitioner or petitioners may reside, under regulations now provided by law for the location, change or vacation of public highways, so far as such regulations are or may be applicable: *Provided*, That such board of commissioners may order such private road to be laid out, changed or vacated, without any view, if there be no remonstrance against such petition: *Provided further*, That such petitioner or petitioners asking such road, shall open and keep in repair such road at his or their own expense, and that such road may be either dirt, plank, McAdamized, gravel or railroad.

Emergency de-
clared.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage.

CHAPTER LXIV.

AN ACT to amend an act, approved January 27, 1847, entitled "An act to amend an act, entitled an act to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes, to amend the 2d section of said act; to repeal the 3d, 5th, and 8th sections; to clothe said society with additional powers; to provide for the increase of stockholders, the election of five trustees, as sole managers of the affairs of said society, and their terms of office, and the effect of a failure to elect and to confirm the act of the board of commissioners of Cass county in releasing to the stockholders of said society all the interest of said county in the society's property and revenue, and releasing all claim of the State thereto, and releasing the corporation from the operation of the act requiring the sale of County Seminaries, and legalizing the proceedings of said corporation.

[APPROVED MARCH 11, 1861.]

WHEREAS, It appears to this General Assembly that in pursuance of an act, approved January 27, 1847, entitled an act to amend an act, entitled "An to incorporate the Eel River Seminary Society," approved January 1, 1829, and for other purposes, the Seminary funds of Cass county had been paid over to the treasurer of the Cass County and Eel

River Seminary Society, up to the 1st day of November, 1851, when the present State Constitution took effect: And Whereas, By the terms of that Constitution the fines and forfeitures accruing in said county were diverted from said society to the support of Common Schools in contravention of the provisions of said act of January 27, 1847, thus defeating the purposes of the Eel River Seminary Society in the consolidation of the two funds under the provisions of said act: And Whereas, It appears to this General Assembly that the Board of Commissioners of the county of Cass did, in consideration of the premises, and of their unwillingness to be further connected with the administration of the affairs of said society, adopt a resolution on or about the 14th day of September, 1857, releasing to the stockholders of the said Cass County and Eel River Seminary Society, and to those who have become stockholders since January 27, 1847, by donations and subscriptions, all their interest in the funds and the property of said corporation to the end that the interest of the county of Cass in the funds and other property of said corporation should be extinguished, and said stockholders have the complete and exclusive ownership and control of the property and funds aforesaid: And Whereas, Certain amendments to the foregoing act are sought, adapted to this change of circumstances. Therefore,

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That section two of the above recited act of January 27, 1847, which reads as follows, to-wit:

"Section 2. That the name of the said corporation shall be known Sec. 2 recited. and called the 'Cass County and Eel River Seminary Society,' and under such name shall be entitled to all the rights and be liable to all the obligations which said Eel River Seminary Society had a right to, or was liable to; and the said Trustees elected as aforesaid shall be Trustees of said Cass County and Eel River Seminary Society, and shall be governed by the said original act of incorporation and the act amendatory thereof, and the laws of 1843 regulating County Seminaries and Seminary Funds, and such other laws amendatory thereof, which may have been, or may hereafter be passed by the General Assembly of this State; and said trustees shall serve until their successors are elected and qualified, as hereinafter provided," be, and the same is hereby amended to read as follows:

That the name of the said corporation shall be known and called "The Cass County and Eel River Seminary Society," Amended to have power to contract, &c., and receive donations, &c. and under such name shall be entitled to all the rights, and liable to all the obligations which the said Eel River Seminary have a right, or was liable to, and shall have power to contract and be contracted with, to sue and be sued, to acquire

further land adjacent to the site of their present Seminary building for the purpose of enlarging their present grounds, and shall have power to receive donations in money, personal or real property, labor or choses in action, for the purpose of improving, maintaining, and repairing their present building and improvements, and adding thereto as occasion may require, and for the purpose of furthering generally, and by any proper instrumentalities, the objects of such society; and the Trustees shall cause stock to be issued for all such contributions, when the same shall amount to ten dollars, to the donors, which donors shall be admitted to all the rights of the original stockholders in proportion to the amount contributed by them respectively.

Repealing.

SEC. 2. Sections 3, 5 and 8 of said act are hereby repealed.

Trustees, how many, time, place and manner of electing.

SEC. 3. There shall hereafter be elected by the stockholders of said corporation on the first Monday of April in each year, at the Court House in the city of Logansport, five trustees, who shall have the management of the affairs of said corporation. At such election each stockholder who has paid up his stock, or become such by donation under the former or present act, shall be entitled to one vote for each share of stock held by him, ten dollars constituting a share: *Provided, however,* That no stockholder shall be entitled to more than ten votes at such election. The trustees to be elected must be stockholders, and the persons who shall at such election receive the highest number of votes shall be declared trustees, and shall take an oath of office, and they shall hold their office for one year and until their successors are elected and qualified; but a failure to elect trustees shall not make a dissolution of the corporation, or impair the validity of its proceedings.

Officers of, how and by whom elected.

SEC. 4. The officers of said corporation shall continue to be, as heretofore, a President, Secretary, and Treasurer, who shall be elected by the Trustees from the stockholders; and the Trustees shall appoint such agents and attorneys for said corporation as they shall deem necessary.

State confirms to corporation, certain estate, and action of county commissioners of Cass county.

SEC. 5. The State hereby confirms to the stockholders of said corporation all the present property, personal and real, and confirms the act of the Board of Commissioners of said county of Cass, at the September session of 1857, in releasing all interest of the county of Cass in the property and revenues of said corporation; and the State hereby releases all claim in the Seminary funds invested by said corporation in the erection of a Seminary building in the city of Logansport, and releases said corporation from the operation of an act approved June 12, 1852, entitled "An act to provide for the sale of county seminaries and the property belonging

thereto, and the transfer of the proceeds thereof to the Common School funds, after discharging advances made by individuals, and to repay such advances," and legalizes the proceedings of said corporation since the connection between the Society and the said Board of Commissioners was dissolved.

SEC. 6. Whereas an emergency exists that this act go into immediate operation, to the end that an election may be had of Trustees on the first Monday in April, 1861, to manage the affairs of said Society for the present year, therefore be it further enacted that this act take effect and be in force from and after its passage.

Emergency declared.

CHAPTER LXV.

AN ACT to amend the fourth and sixth sections of the act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20th, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of its stockholders in the same manner as is provided in said section for increasing capital stock and providing for election of directors and certain officers, and prescribing the manner of casting the votes in such elections.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sixth section of the act, entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20th, 1852, which is as follows:

"The amount of capital stock shall be fixed by the company, but may be increased by a vote of the stockholders at any annual meeting; and such capital stock shall be divided into shares of not more than fifty dollars each," shall be amended so as to be as follows:

The amount of capital stock shall be fixed by the company, Amendment to section 6. but may be increased by a vote of the stockholders at any usual meeting; and in like manner any company which may have been incorporated in this State [for] any of the purposes contemplated in said act, with a fixed amount or limitation of

capital may increase their capital stock by a vote of the stockholders at any annual meeting, and such capital stock shall be divided into shares of not more than fifty dollars each.

SEC. 2. That section four of said act, which reads as follows:

Sec. 4 recited.

"Section 4. There shall also be elected at such annual meeting of the stockholders a secretary and treasurer, who shall respectively give bond with security as shall be required by the by-laws, and be sworn to the faithful discharge of the duties assigned to each of them. Absent stockholders may vote by proxy, but no one stockholder shall give more than twenty votes. All officers shall serve until their successors are chosen and qualified," shall be amended to read as follows:

Amendment to
section 4.

SEC. 4. The directors of such company shall annually elect a secretary and treasurer, who shall respectively give bond with security as shall be required by the by-laws, and be sworn to their faithful discharge of the duties assigned to each of them: *Provided*, That said directors may, if they deem proper, elect one person to discharge the duties of secretary and treasurer. Absent stockholders may vote by proxy, and each share of stock shall entitle the owner thereof to one vote. All officers shall serve until their successors are elected and qualified.

CHAPTER LXVI.

AN ACT to amend the sixth section of an act entitled, "An act to incorporate the St. Joseph Iron Company, and to repeal the seventh, eighth, ninth, tenth, eleventh and twelfth sections thereof," approved January 22d, 1835.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sixth section of an act entitled, "An act entitled an act to incorporate the St. Joseph Iron Company," approved January 22d, 1835, which reads as follows, to-wit:

"Sec. 6. That the said corporation shall be, and they are hereby authorized to erect a dam across the river St. Joseph, at the head of the Mishawaka Rapids, in the township of Penn and county of St. Joseph: *Provided*, That said dam shall not exceed two feet six inches

in perpendicular elevation, and that it be at least thirty-five feet in width, and planed on both sides in such manner as not to impede the downward passage of rafts, nor the passage of fish: *Provided, also,* That said Company shall erect and keep in constant repair, one lock, for the passage of steamboats and other water crafts used on said river, said lock to be not less than one hundred feet in length, and not less than twenty feet in width in the clear: *Provided, also,* That said corporation shall cause said lock to be tended by a competent number of hands to fill and empty the same, as may be required for the passage of any boat, raft, or craft, be amended so as to read as follows:

SEC. 6. The said corporation shall be, and they are hereby authorized to erect a dam across the river St. Joseph, at the head of the Mishawaka Rapids, in the townships of Penn, and county of St. Joseph.

SEC. 2. *Be it further enacted,* That section seven, section eight, section nine, section ten, section eleven and section twelve of the above entitled act, be and the same are hereby repealed.

CHAPTER LXVII.

AN ACT to amend the first section of an act entitled, "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20th, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of an act entitled, "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20th, 1852, which reads as follows, to-wit:

"Sec. 1. That whenever three or more persons may desire to form a company to carry on any kind of manufacturing, mining, mechanical or chemical business, they shall make, sign and acknowledge before some officer capable to take the acknowledgment of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the object of its formation, the amount of the capital stock, the term of its existence, not however, to exceed fifty years,

the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the town and county in which its operations are to be carried on, and file the same in the office of the recorder of such county, which shall be placed upon record, and a duplicate thereof in the office of the Secretary of State," be so amended as to read as follows, to-wit:

Amendment to
section one.

SEC. 1. That whenever three or more persons may desire to form a company to carry on any kind of manufacturing, mining, mechanical or chemical business, or to furnish motive power to carry on such business, or to supply any city or village with water, they shall make, sign and acknowledge before some officer capable to take the acknowledgment of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence, not however, to exceed fifty years, the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the town and county in which its operations are to be carried on, and file the same in the office of the recorder of such county, which shall be placed upon record and a duplicate thereof in the office of the Secretary of State.

Emergency de-
clared.

SEC. 2. There being no law in this State providing for the organization of companies to furnish motive power for machinery, or to supply cities and villages with water, and there being persons now desirous of forming such companies and such works will be of public utility, and because an immediate demand exists for them, it is hereby declared that an emergency exists, requiring the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER LXVIII.

AN ACT regulating interest on money, and to repeal an act entitled "An act concerning interest on money," approved May 27th, 1852, the fifty-first section of the act defining misdemeanors, and prescribing punishment therefor, approved June 14th, 1852, and all other laws and parts of laws in conflict with this act.

[APPROVED MARCH 7, 1861.]

Rate of interest. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That interest upon the loan or forbearance of money, goods or choses in action, shall be at any rate per*

cent. on which the parties may agree, not exceeding six dollars a year on one hundred dollars, and at that rate for a greater or less sum, or for a longer or shorter time, but it may be taken yearly or for any shorter period in advance, if so expressly agreed.

SEC. 2. That where no contract shall have been made by the parties in regard to such interest on the loan or forbearance of money, goods or choses in action, interest shall be allowed at the rate of six dollars a year upon one hundred dollars.

SEC. 3. Interest on a judgment, or decree for money, shall be from the date of signing, until the same be satisfied, at the rate per cent. agreed upon by the parties in the original contract, not exceeding six per cent., and if there was no contract by the parties as to interest, then at the rate of six dollars a year on one hundred dollars.

SEC. 4. On money due on any instrument in writing, or on settlement of account from the day the balance shall have been agreed upon, on money had and received to the use of another and retained without the owner's consent, express or implied, from the receipt thereof, on money loaned or due and withheld by unreasonable delay of payment, interest shall be allowed at the rate of six dollars a year on one hundred dollars, or at such rate as the parties may agree upon, not exceeding six dollars a year on one hundred dollars.

SEC. 5. If a greater rate of interest than is hereinbefore allowed shall be contracted for, or received or reserved, the contract shall not therefore be void, but if in any action on such contract, proof be made that interest at a rate exceeding six dollars a year on one hundred dollars has been directly or indirectly contracted for, or taken or reserved, the plaintiff shall recover only his principal with six per cent. interest, and he shall also recover costs, and if "a greater rate of interest than six dollars a year for one hundred dollars shall have been paid thereon, whether in advance or not, judgment shall be rendered only for the amount of principal, deducting the excess of interest thus paid, at the time paid."

SEC. 6. If in any action on any contract in which illegal interest shall have been directly or indirectly contracted for, or taken or reserved, the defendant shall have, previous to the commencement of the suit, tendered to the plaintiff his principal, with legal interest, or if illegal interest shall have been paid, the principal with legal interest, deducting the illegal interest paid, the defendant shall recover costs, and the plaintiff shall recover only the amount tendered.

SEC. 7. Any officer, or agent of a person or corporation, whether interested or not, may be summoned as a witness in any action in which usury or the taking of illegal interest

Rate if no con-
tract exists.

Rate on judg-
ment, and from
what date.

Rate on money,
note, or settle-
ment of ac-
count, &c.

If rate above
six per cent.,
contract not
void. If in ac-
tion proven that
greater than six
per cent., plain-
tiff may recover
principal and six
per cent.

If illegal inter-
est taken, what
defendant and
what plaintiff
may recover.

Who may be
summoned as
witness.

shall be involved, and be required to state all the facts in the case.

When rate not named, to be deemed by year.

SEC. 8. When in any law or in any instrument of writing, specifying a rate of interest where no period of time is mentioned for which such rate is to be calculated, it shall be deemed to be by the year.

Not to affect loans of public funds.

SEC. 9. The rate of interest fixed by this act shall not affect loans of public funds, nor interest on purchase money of canal, college, school or saline lands.

Repealing clause.

SEC. 10. That an act entitled, "An act concerning interest on money," approved May the 27th, 1852, the fifty-first section of the act defining misdemeanors, and prescribing punishment therefor, approved June 14th, 1852, and also all other laws, or parts of laws conflicting with this act, be and the same are hereby repealed.

CHAPTER LXIX.

AN ACT to amend section eight and section ten of an act, entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section eight of the above entitled act, which is as follows:*

Sec. 8. recited.

"The official bond of a justice of the peace shall be in such sum may be required by the Clerk of the Circuit Court, not less than one thousand nor more than five thousand dollars, and conditioned for the faithful discharge of the duties of his office, and the payment to the proper person of all the moneys that may come into his hands as such justice," be, and the same is hereby, amended so as to read as follows, to-wit:

Amended to increase amount of official bond.

The official bond of a justice of the peace shall be in such sum as may be required by the Clerk of the Circuit Court, not less than two thousand nor more than six thousand dollars, and conditioned for the faithful discharge of the duties of his office, and the payment to the proper persons of all moneys that may come into his hands as such justice.

SEC. 2. That section ten of the above entitled act, which reads as follows:

"Justices of the peace shall have jurisdiction to try and determine suits founded on contracts or tort, where the debt or damage claimed, or the value of property sought to be recovered does not exceed one hundred dollars; but the defendant may confess judgment for any sum not exceeding two hundred dollars," be, and the same is hereby amended so as to read as follows, to-wit:

Justices of the peace shall have jurisdiction to try and determine suits founded on contracts or tort, where the debt or damage claimed or the value of the property sought to be recovered does not exceed one hundred dollars, and concurrent jurisdiction to the amount of two hundred dollars, but the defendant may confess judgment for any sum not exceeding three hundred dollars. No justice shall have jurisdiction in any action of slander, for malicious prosecutions or breach of marriage contract, nor in any action wherein the title to lands shall come in question, or the justice be related by blood or marriage to either party.

Amended to increase jurisdiction in suits on contracts.

CHAPTER LXX.

AN ACT to amend the thirteenth and fourteenth sections of an act, entitled "An act providing for the election and qualifications of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the thirteenth section of the act, the title whereof is recited above, which is in the words following, viz:

"Sec. 13. No person shall be sued before any justice out of the township where he resides, except as hereinafter specified, unless such suit is commenced by a *capias ad respondentum*, or when there shall be no justice competent to act in such township," be amended so as to read as follows:

No person who is a resident of any township in this State shall be sued out of said township, except as specified in the above mentioned acts, unless said suit is commenced by a *ca-*

Amended so as to suit in township where person resides.

prias ad respondentum, or when there shall be no justice competent to act in such township.

SEC. 2. That section fourteen of the above mentioned act, which reads as follows, viz:

Sec. 14 recited.

"Section 14. When there is more than one defendant, and they reside in different townships, suit may be commenced in either township and process served upon all others wherever found in the county, and they held to answer in such suit," be amended so as to read as follows:

Amended as to
action brought
by assignee of
claim.

When there is more than one defendant, and they reside in different townships, suit may be commenced in either township, and process served upon all others wherever found in the county, and they held to answer in such suit; but any action brought by the assignee of a claim arising out of contract whether assigned in writing or by delivery, shall be commenced in the township where one or more of the parties immediately liable to judgment and execution resides, and not elsewhere.

CHAPTER LXXI.

AN ACT authorizing County Libraries to loan certain funds, and regulating the same.

[APPROVED MARCH 11, 1861.]

May loan sur-
plus fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any county library that may have been organized under special laws in this State, and yet maintain their organization, and shall have a portion of their funds reserved for replenishing their said libraries from time to time; may loan said surplus fund for any term not exceeding five years, with interest payable annually in advance, at the rate of seven per cent. per annum.

Under what reg-
ulations loans
made.

SEC. 2. That such loans shall be made in the same manner and in all respects that may be practicable, under the same regulations as the common school funds are now by law managed. The borrower shall be subject to the same liabilities, and the collection thereof enforced in the the same manner as said school funds.

Duty of treas-
urer in making
and collecting
loans.

SEC. 3. That the treasurer of such library shall in loaning and collecting of the funds of the library, perform the same

duties and incur the same liabilities as the county auditor does by existing laws in regard to the same duties in behalf of the school fund; but such treasurer shall be governed by the order of the board of trustees, and accountable to them.

SEC. 4. Whereas, an emergency exists for the immediate <sup>Emergency de-
clared.</sup> taking effect of this act, it shall therefore be in force from and after its passage, there being no law now existing on this subject.

CHAPTER LXXII.

AN ACT supplemental to an act, entitled "An act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5th, 1859, providing for appeals in the case of persons applying for license to sell intoxicating liquors, and for those remonstrating against such applications under the provisions thereof, and to make a trial by jury in suits in relation thereto, final.

OFFICE OF THE SECRETARY OF STATE, }
Indianapolis, March 17, 1861. }

This law was filed in my office on Monday, March 11th, 1861, at 5 o'clock, P. M., without the approval of the Governor, or his objections being filed thereto; and that being after the general adjournment of the Legislature. Nor have his objections been filed at this date.

W. A. PEELLE,
Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* Whenever any person or persons applying for license to sell liquors under the provisions of the above entitled act, or any person or persons remonstrating against such application shall be aggrieved by the action of the Board of County Commissioners of any county on such application, shall be entitled to, and shall have and take an appeal to the Circuit Court or Court of Common Pleas of the county in which the application or remonstrance is made.

Appeal may be taken to circuit or common pleas court.

SEC. 2. Either party to such appeal to the Circuit Court or Court of Common Pleas, may demand and have a trial by jury in said Circuit Court or Court of Common Pleas, and the decision or verdict of such jury shall be final and conclusive, and without appeal therefrom.

Either party may demand jury, and verdict final.

Emergency de-
clared.

SEC. 3. It is hereby declared that an emergency exists for the passage of this act, therefore it is declared to be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

NOTE—Published in Daily Journal and Sentinel May 14, 1861.

CHAPTER LXXIII.

AN ACT to provide for the expenses of the present session of the Legislature.

[APPROVED FEBRUARY 12, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of meeting the expenses of the present session of the Legislature the sum of thirty thousand dollars is hereby appropriated.

SEC. 2. Inasmuch as an emergency exists for the immediate taking effect of this act, it is therefore declared to be in force from and after its passage.

CHAPTER LXXIV.

AN ACT to amend section fourteen of "An act defining misdemeanors, and prescribing punishments therefor," approved June 14, 1852.

[APPROVED MARCH 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section fourteen of an act, entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, which reads as follows, to-wit:

Sec. 14 recited.

"Every person who shall injure any tree or sapling on the lands of any other person, or on land belonging to the State, or to any county or township therein, or on any land reserved or granted for the use of schools or seminaries, without license so to do from competent authority, or without such license shall cut down or remove from

any such lands, or from lands belonging to the United States, any tree, stone, timber or other valuable article, shall be deemed guilty of a trespass, and upon conviction shall be fined in five times the value of such property, and any person concerned in such trespass may be compelled to testify against any other person therein concerned, and in case of lands belonging to the United States it shall be sufficient to prove that such lands are reputed in the neighborhood to belong to the United States," shall be amended so as to read as follows, to-wit:

Every person who shall injure any tree or sapling on the land of any other person, or on land belonging to the State, or to any county or township therein, or on any land reserved or granted for the use of schools or seminaries without a license so to do from competent authority, or who without such license shall cut down or remove from any such lands or from lands belonging to the United States, any tree, stone, timber, or other valuable article, shall be deemed guilty of a trespass, and upon conviction shall be fined in five times the value of such property, to which may be added imprisonment not exceeding twelve months in the county jail, in the discretion of the Court or jury trying the same; and any person concerned in such trespass may be compelled to testify against any other person therein concerned; and in case of lands belonging to the United States, it shall be sufficient to prove that such lands are reputed in the neighborhood to belong to the United States.

Amended to add
imprisonment
in county jail.

CHAPTER LXXV.

AN ACT concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That all promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of a specific article, or to convey property, or to perform any stipulation therein mentioned, shall be ne-*

Negotiable by
endorsement.

gotiable by endorsement thereon, so as to vest the property thereof in each endorsee successively.

Assignee may recover against maker.
Set-off allowed maker.

Assignee have action against immediate or remote assignee.

Law of bills of exchange not altered.

What notes negotiated as Inland bills.

Per cent. of damages on protest.

Interest not allowed, when.

Rate of exchange within United States.

Damages beyond costs of protest, not chargeable against drawer.

Damages not recoverable unless valuable consideration paid.

If bill payable out of State, and means provided within State for payment, no damages for protest allowed.

Not to apply to notes payable at bank and protested.

3 day's grace allowed.

Without relief, judgment had accordingly.

SEC. 2. The assignee of any such instrument may, in his own name, recover against the person who made the same.

SEC. 3. Whatever defence or set-off the maker of any such instrument had, before notice of assignment against an assignor, or against the original payee, he shall have also against their assignees.

SEC. 4. Any such assignee having used due diligence in the premises, shall have his action against his immediate or any remote endorser, and in suit against a remote endorser, he shall have any defence which he might have had in a suit brought by his immediate assignee.

SEC. 5. The provisions of the two preceding sections shall not alter the law relative to bills of exchange, as it now is.

SEC. 6. Notes payable to order or bearer in a bank in this State, shall be negotiable as inland bills of exchange, and the payees and endorsees thereof may recover as in case of such bills.

SEC. 7. Damages payable on protest for non-payment or non-acceptance of a bill of exchange, drawn or negotiated within this State, shall be, if drawn upon any person, at any place out of this State, but within the United States, five per cent., but if upon any person at any place without the United States, ten per cent. on the principal of such bill.

SEC. 8. Beyond such damages, no interest or charges accruing prior to protest shall be allowed; but interest from the date of the protest may be recovered.

SEC. 9. As to any such bills payable within the United States, the rate of exchange shall not be taken into account.

SEC. 10. No damages beyond cost of protest shall be chargeable against drawer or endorser, if upon notice of protest, and demand of the principal sum, the same is paid.

SEC. 11. No holder of a bill of exchange shall recover damages thereon, if he have not given for the same, or for some interest therein, a valuable consideration.

SEC. 12. On any bill drawn, or negotiated in this State, and payable at any place without the State, but in regard to which it shall appear that it was not to be presented for acceptance or payment at that place, if means were provided for its discharge within the State, no damages or charges for protest shall be allowed.

SEC. 13. The provisions of this act, relating to damages on bills of exchange, shall not apply to promissory notes discounted by a bank, and protested for non-payment.

SEC. 14. On all bills of exchange payable within the State, whether sight or time bills, three days grace shall be allowed.

SEC. 15. Upon any instrument of writing, made within

this State, or elsewhere, containing a promise to pay money without relief from valuation laws, judgment shall be rendered and execution had accordingly.

SEC. 16. The holder of any note or bill of exchange, negotiable by the law merchant, or by the law of this State, may institute one suit against the whole or any number of the parties liable to such holder; but such holder shall not, at the same term of court, institute more than one suit on such note or bill.

SEC. 17. All laws, or parts of laws, coming in conflict with the provisions of this act, be and the same are hereby repealed.

Holder may bring suit against whole, or any number liable, but not more than one on each note, at same term of court.

CHAPTER LXXVI.

AN ACT authorizing justices of the peace, notaries public, judges of courts, mayors of towns and cities, and clerks of Circuit and Common Pleas Courts, to administer oaths, generally; and county auditors in certain cases; and to legalize such as may heretofore have been administered by any of said officers.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That justices of the peace, in their respective counties, notaries public, judges of courts, in their respective jurisdictions, mayors of towns and cities, in their respective towns and cities, and clerks of Circuit and Common Pleas Courts, and master commissioners, in their respective counties, be hereby authorized to administer oaths generally, pertaining to all matters where an oath is required; and county auditors in their respective counties, shall be authorized to administer oaths to road reviewers and township trustees, and to justices of the peace making returns of fines.

SEC. 2. That where such oaths have been heretofore administered by said officers, that the same be hereby legalized.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act; it shall therefore be in force from and after its passage.

CHAPTER LXXVII.

AN ACT to revive an act entitled, "An act to legalize the doings and proceedings of the Alton, Mt. Carmel and New Albany Railroad Company, and for other purposes," approved February 4th, 1851, extending the time for the commencement and completion of said Railroad, changing the name thereof, with some general provisions in regard to the corporate powers thereof, and declaring an emergency for the immediate taking effect of this act.

[APPROVED MARCH 9, 1861.]

Act revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled, "An act to legalize the doings and proceedings of the Alton, Mount Carmel and New Albany Railroad Company, and for other purposes," approved February 4th, 1851, be and the same is hereby revived, renewed and extended, and that said company shall have five years from the date of the approval of this act, to commence said road, and fifteen years from the time of commencing to complete and finish the same.

Title changed.

SEC. 2. That the name, style, and title of the Alton, Mount Carmel and New Albany Railroad Company, be and the same is hereby changed to that of the "Saint Louis and Louisville Railroad Company," and under that name, style and title, shall have perpetual succession, with full and complete power and authority to construct and maintain said line of railroad from any point in the town of Jeffersonville, in Clarke county, Indiana, by way of New Albany to the great Wabash River, opposite or near to the town of Mount Carmel, in Wabash county, Illinois, or to any point on the east side of said river, wherever said railroad line may be brought to the west side thereof. And the said company shall have full power and authority to erect and maintain a bridge across said river, at any place wherever said line of railroad may be constructed to cross the said stream.

Declared public act.

SEC. 3. This act shall be deemed and taken as a public act, and as such shall be taken notice of by all courts of justice in this State, without the necessity of pleading the same.

Emergency declared.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act, it is hereby declared that the same shall be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

NOTE—Published in Daily Journal March 22, 1861, and in Sentinel March 23, 1861.

CHAPTER LXXVIII.

AN ACT to legalize, authorize and regulate the sale of, and to perfect the title of purchasers of railroads heretofore sold or hereafter to be sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations, and to exercise corporate and other powers, to provide for the payment of stock injured by such corporation, and to provide for the payment of Ticket and Freight balances.

[APPROVED MARCH 5, 1861.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in case a majority in interest of the creditors of a railroad company, and the majority in interest of the stockholders of such company shall agree upon a plan for the readjustment or capitalization of the debt and stock thereof, thereupon an agreement as aforesaid, either before or after a sale of said railroad under judicial proceedings, and a purchase at such sale by trustees on behalf of the parties to such agreement, all the franchises and powers, including the franchises to act as a corporation, conferred by the charter of such railroad company, shall pass by such sale and vest in the said trustees, together with the railroad and all the other property embraced in the sale; and in case any railroad situate wholly or partly within this State, or any part thereof situate within this State, shall, in pursuance of such agreement, be sold by virtue of any mortgage or mortgages, or deed or deeds of trust, either by foreclosure or other proceeding in law or equity, or pursuant to any power in such mortgage or mortgages, or deed or deeds of trust contained, or by the joint exercise of those authorities as hereafter provided, the purchaser or purchasers of the same, or their survivor or survivors, or they or their, or he and his associates, may form a corporation by filing in the office of the Secretary of State, a certificate under their or his signature, specifying the name of such corporation, the number of directors, the names of the first directors, and the period of their service, not exceeding one year, the amount of the original capital, and the number of shares into which such capital is to be divided; and the persons signing the said certificate and their successors shall be a body politic and corporate by the name therein specified; and a copy of such certificate, attested by the signature of the Secretary of State or his deputy, shall in all Courts and places be evidence of the due organization and existence of the said corporation, and of the facts in the said certificate

How re-adjustment or capitalization by creditors and stockholders may be effected.

stated: *Provided*, That no sale under the provisions of this act shall be valid unless notice thereof, stating time and place of sale, shall have been published in some newspaper of general circulation in the city of New York, and also by publishing said notice in at least one newspaper of general circulation published in each county in this State through which said railroad may run, not less than thirty nor more than sixty days at the discretion of the Court ordering said sale, immediately preceding said sale; and all sales of railroads made under the order or decree of a Court of record, are hereby legalized as fully as though the sale had been made in pursuance of this act: *Provided*, That nothing herein contained shall be construed to legalize the decree itself, or to correct any error therein, or to legalize the sale or conveyance of any real estate by or to any railroad company, or to legalize any consolidation by any railroad companies in this State, but only to confirm the sale of the road bed, depot grounds, and such realty as is essential to the operations of the railroad, including also the rolling stock, machinery and equipment upon the road as embraced in the decree.

Power to be possessed and enjoyed by purchasers.

SEC. 2. Such corporation shall possess all the powers, rights, privileges, immunities, faculties, and franchises in respect to the said railroad, or the part thereof purchased as aforesaid, which were possessed or enjoyed by the corporation that owned or held the said railroad previous to such sale by virtue of its charter, or amendments thereto, or other laws of this State, or of any State, not inconsistent with the laws of this State in which any part of the said railroad is situate, and shall also have power, by agreement of the persons forming the said corporation as aforesaid, or by a vote of a majority in the interest of the stockholders at any time within six months after the formation of the said corporation, to assume any debts or liabilities of the corporation which owned or held the said railroad before the said sale; and in like manner and within a like period to make such adjustments with any stockholders of the said last mentioned corporation as it may deem expedient, and for the said purposes to use such portions of the bonds and stock it may be authorized to create as it may deem necessary, and in such manner as it may deem proper; and shall also have power to make and issue bonds payable at such times and places, and bearing such rates of interest as it may deem expedient, and to sell or dispose of such bonds at such prices, and in such manner as it may deem proper; and to secure the payment of any bonds which it may make, issue, or assume to pay, by a mortgage or mortgages, or deed or deeds of trust of its railroad, or of any part thereof, or any other of its property real or personal; and may include such in mortgage or mortgages, or deed or deeds of

trust, any locomotives, cars, and other rolling stock and equipments, and any machinery, tools, implements, fuel, and materials, whether then held or thereafter to be acquired, for the constructing, operating, repairing, or replacing the said railroad, or any part thereof, or any of its equipments, or appurtenances, all of which property, so included, whether then held or thereafter to be acquired, shall be subject to the lien and operation of such mortgage or mortgages, or deed or deeds of trust, all franchises held by the said corporation and connected with or relating to the said railroad, and all corporate franchises of the said company, which said franchises, in case of sale by virtue of any such mortgage or mortgages, or deed or deeds of trust, are hereby declared to pass to the purchasers so as to enable them to form a corporation in the manner herein prescribed, and to vest in such corporation all the faculties, powers, authorities, immunities, and franchises conferred by this act; and the said corporation shall have power to establish sinking funds for the redemption of any of its debts, and shall likewise have power to issue capital stock to such aggregate amount as it shall deem necessary, not exceeding any limitation which may be fixed by agreement with the persons forming the said company in the manner hereinbefore provided, and may establish preference in respect to dividends in favor of one or more classes of the said stock in such order and manner, and to such extent and with securities as it may deem expedient, and may confer on holders of any bonds which it may issue or assume to pay such rights to vote at all meetings of stockholders, not exceeding one vote for every one hundred dollars of the par amount of the said bonds, as may by it be deemed advisable, which rights, when once fixed, shall attach to and pass with such bonds under such regulations as the by-laws may prescribe to the successive holders thereof, but shall not subject any holders to any assessment by the said company, or to any liability for its debts, or entitle any holder to dividends; and the said corporation shall also have capacity to hold and enjoy and exercise within other states the aforesaid faculties, powers, rights immunities and franchises, and such others as may be conferred upon it by any law of the State, or of any other State in which any part of its railroad may be situate, or in which it may do any part of its business, and to hold meetings of stockholders and directors, and do all corporate acts and all things without this State as validly as it may do the same within this State.

SEC. 3. In case the part situate within this State of any railroad, a part of which is situate in another State, shall become vested in a corporation of such other State, and such corporation shall also acquire a part situate in such other State of the said railroad, the said corporation may exercise

In case any road in this State, a part being situate in another State, shall become vested in corporation of such other State, what

powers exercised.

Order of lien of debts of old company.

Part of road in this State may be sold out, foreclosure as an entirety, and what court may declare in order.

What power given to corporation in case of sale.

Purchasers not to be entitled benefit under this act, until certain conditions complied with.

Legislative discretion.

and enjoy within this State for the purpose of the said railroad and its business, so far as it may be endowed by the laws of the State of its creation with capacity to do so, all the powers, rights, faculties, privileges, immunities and franchises enumerated in section second of this act, and its mortgages or trust deeds shall operate as therein specified.

SEC. 4. Next in the order of lien to the existing mortgage debt of the old road shall stand the amounts due persons for labor performed, and wood and other such materials furnished the old company in running the road, and damages for killing stock, and right of way: *Provided*, That all the property of said company shall be liable for damages recovered against said company for stock killed or injured by them, and exempt from mortgage liens.

SEC. 5. So much of any railroad as lies in this State and is embraced in the mortgage or mortgages sought to be foreclosed may be sold at such sale as an entirety, and the Court making a decree or order of sale may declare in the order where the principal office of the railroad company is situate within the State, and may order the sale to be made at the made at the Court House door of the county in which the principal office within the State is situate.

SEC. 6. In case of the sale of a railroad or any part thereof, as in the first section of this act mentioned, full power is hereby given to the corporate authorities of the several counties, cities, townships and other municipal corporations holding stock in the company by which such railroad was owned, and to all persons holding such stock in a fiduciary capacity to surrender or assign such stock, and to accept and receive such new stock in any corporation which, after such sale, may become the owners of said railroad or any part thereof, as may be apportioned or given in respect to the said first mentioned stock under any reorganization of the ownership of the said railroad.

SEC. 7. That no purchaser or purchasers of any railroad shall be entitled to any rights or benefits under this act until such purchaser or purchasers shall first assume and pay in money or first class or satisfactory securities, to be issued by the new corporation formed upon the sale or transfer of any railroad as herein provided for, as the creditor or creditors may elect, all ticket balances and back charges for freight, with interest, whether due upon account, judgment of a Court of record, bond, note or other instrument in writing, which the former railroad corporation may have owned or been in arrears for, to any connecting railroad company operating a railroad entirely or in part in this State.

SEC. 8. This act may be amended or repealed at the discretion of the Legislature.

SEC. 9. It is hereby declared that an emergency exists for ^{Emergency de-}_{clared.} the immediate taking effect of this act, and therefore the same shall be in force from and after its passage.

CHAPTER LXXIX.

AN ACT to amend an act entitled, "an act to amend the first section of an act concerning real property, and the alienation thereof, approved May 6, 1852," approved March 2, 1859, and to legalize conveyances made [by Indians, negroes and mulattoes, and other persons of mixed blood.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That said act, which reads as follows, to-wit:

"That section first of an act entitled, 'an act concerning real property and the alienation thereof,' approved May 6, 1852, which reads as follows, to-wit: 'That no person except a citizen of the United States, or an alien who shall be at the time a *bona fide* resident of the United States, shall take, hold, convey, devise or pass by descent, lands, except in such cases of descent or devise as are provided for by law,'" be amended to read as follows, to-wit:

"That no person except a citizen of the United States, or an alien who shall be at the time a *bona fide* resident of the United States, shall take, hold, convey, devise or pass by descent lands, except in such cases of descent or devise as are provided for by law: *And provided, further,* That the marriage of a woman with an alien, and her residence with her husband in a foreign State or country, shall not bar her right to hold, convey, devise and pass, by descent lands which may come to her by descent or purchase," be amended so as to read as follows:

That no person except a citizen of the United States, or an alien who shall be at the time a *bona fide* resident of the United States, or an Indian, or a negro or mulatto, or other person of mixed blood, shall take, hold, convey, devise or pass by descent lands, except in such cases of descent or devise as are provided for by law: *And provided further,* That the marriage of a woman with an alien, and her residence with her husband in a foreign State or country, shall not bar her right to hold, convey, devise and pass by descent lands which may have come to her by descent or purchase.

Sec. 1 and
amendment
thereto recited.

Amended to in-
clude Indian or
person of mixed
blood.

Bona fide sales or purchases by Indian, &c., legalized.

SEC. 2. That all *bona fide* sales, conveyances, purchases and devises heretofore made by any Indian, negro or mulatto, or other person of mixed blood, and all estates heretofore acquired by any Indian, negro, mulatto or other person of mixed blood, by conveyance, devise or descent, be and the same are hereby legalized, and such tenants are hereby declared to hold the same as fully and to the same extent as though there was no disability to the contrary: *Provided*, That nothing herein contained shall affect any suit or proceeding now pending in any of the courts of this State.

Emergency declared.

SEC. 3. Whereas, an emergency for the immediate taking effect of this act exists, the same is hereby declared to be in force from and after its passage.

CHAPTER LXXX.

AN ACT supplemental to an act entitled, "an act concerning real property and the alienation thereof," approved May 6, 1852.

[APPROVED MARCH 5, 1861.]

Married woman over 18, under 21 years of age, may join husband in conveyance.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any married woman over the age of eighteen years and under the age of twenty-one years, who has neither father or mother living, may join with her husband in the conveyance of any real estate belonging to the latter, with the consent of the judge of the Circuit Court or Court of Common Pleas, of the Judicial Circuit, or of the Common Pleas District, where such husband and wife reside.

Judge give assent to conveyance, if of benefit to woman.

SEC. 2. Such judge is empowered to give his assent to such conveyance, if he shall be of the opinion that it will be for the benefit of such married woman, and that it would be prejudicial to her and her husband to be prevented from disposing of the lands thus conveyed, which assent shall be endorsed on such conveyance, and signed by such judge, and any conveyance so certified shall be as valid to all intents as if such married woman were of full age.

Judge examine witnesses as to propriety of conveyance.

SEC. 3. Such judge shall have power in his discretion, to examine witnesses as to the propriety or necessity of making such conveyance, and for his services under this act he shall be allowed the same fees as are paid to justices of the peace for similar services, to be paid by the grantors.

Emergency declared.

SEC. 4. That inasmuch as there is now no law in force by

which the interests of a married woman, in the case above provided for can be conveyed, an emergency is declared for the immediate taking effect of this act, and it shall be in force from and after its passage and publication in the Indiana State Journal and the Indiana State Sentinel.

NOTE.—Published in Daily Journal and Sentinel March 6, 1861.

CHAPTER LXXXI.

AN ACT releasing to William Rockhill, all the right, title, interest and claim of the State of Indiana, to the tract of land in the county of Allen, in the State of Indiana, as described in the conveyance executed by the said Rockhill to said State, and to declare such conveyance null and void.

[APPROVED MARCH 11, 1861.]

WHEREAS, On the —— day of ——, 1860, the said William Rockhill, executed a deed of conveyance to the State of Indiana for the above described tract of land, for the consideration of ten thousand dollars, for the purpose of locating the contemplated State Prison; and whereas, the contemplated State Prison was afterward located at Michigan City; and whereas, no part of the consideration money was ever paid, or in manner secured or provided for to the said Rockhill; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the State of Indiana does hereby release and forever quit-claim all her right, title, interest and claim to the said William Rockhill, of the county of Allen, in said State, in and to —— quarter of —— section No. ——, in township No. thirty, north of range twelve east, in the county of Allen, and State of Indiana.

SEC. 2. The deed of conveyance heretofore executed by the said William Rockhill to the said State of Indiana for the above described real estate, is hereby declared null and void, and of no effect or validity whatever.

SEC. 3. It is declared that an emergency exists for the taking effect of this act; the said act shall therefore take effect and be in force from and after its passage.

CHAPTER LXXXII.

AN ACT for the relief of the heirs of Michael O'Brien, deceased.

[APPROVED MARCH 7, 1861.]

Preamble.

WHEREAS, It is represented to this General Assembly that Michael O'Brien, a naturalized citizen of the United States, while serving as a volunteer in the United States Army at Vera Cruz, Mexico, died intestate, seized in fee of the following tracts of land, to-wit: The north-west quarter, and the west half of the south-west quarter of section number thirteen, in township number thirty, north of range number thirteen east, in Allen county, Indiana, and leaving no heirs residing in the United States at the time of his death; and whereas, it is further represented, that soon after the death of said Michael, John O'Brien, a brother, and Margaret White, a sister, (since deceased,) to said Michael, emigrated to, and became citizens of the United States, and residents of the county of Tippecanoe, in said State of Indiana: Therefore, to enable the said John O'Brien, and the heirs and assigns of the said Margaret White, to take, hold, and dispose of all the estate which the said Michael O'Brien had in said lands, at the time of his death,—

To whom land
declared des-
cended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the estate, and interest, which the said Michael O'Brien had and held in said tracts of land at the time of his death, shall be deemed, upon the death of said Michael, to have descended to, and vested in said John O'Brien and Margaret White, to the same extent, in like manner and in like proportions, as if the said John O'Brien and Margaret White had been citizens of the State of Indiana at the time of the death of said Michael O'Brien; and the disability of the said John O'Brien, and the heirs and assigns of said Margaret White to take, hold, and dispose of said tracts of land, by reason of their being non-resident aliens at the time of the death of said Michael O'Brien, is hereby removed, and all the estate, title and interest of the State of Indiana, acquired by the death of Michael O'Brien, as aforesaid, is hereby released to, and vested in said John O'Brien and the heirs and assigns of Margaret White.

Emergency de-
clared.

SEC. 2. That an emergency exists for the immediate taking effect of this act; and that it be in force from and after its passage.

CHAPTER LXXXIII.

AN ACT for the relief of Catharine P. Whittlesey, and to vest in her certain real estate recently held by John Lindsley, late of Vanderburgh county, Indiana, deceased, which has escheated to the State.

[APPROVED MARCH 11, 1861.]

WHEREAS, It is represented to the General Assembly, that in Preamble. the year eighteen hundred and sixty, John Lindsley, late of Vanderburgh county, in this State, departed life being lawfully seized of certain real estate situate in the north-west quarter of section eight of township number six, south of range number ten west, of lands in the said county of Vanderburgh; and whereas, it is further represented that a part of the purchase money paid by the said Lindsley for said real estate, was furnished and provided by Catharine P. Whittlesey, of the said county of Vanderburgh, the same being money which she had received by gift from her father; and whereas, it is further represented that it was the design and intention of the said John Lindsley, in his lifetime, to constitute and make the said Catharine P. Whittlesey his sole heir to all the property, both real and personal, of which he was possessed, she being his step-daughter-in-law, and having nursed and taken care of him during the last several years of his life; and whereas, it is further represented that the said John Lindsley died intestate and without leaving any known heirs who would inherit his estate, and the same has thereby escheated to the State; therefore,—

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the title of the State of Indiana in and to the real estate located in the north-west quarter of section number eight, (8) in township number six, (6) south of range number ten (10) west, of lands lying in Vanderburgh county, and State of Indiana, whereof John Lindsley, late of said county and State, died seized, be and the same is hereby conveyed, confirmed to and vested in the said Catharine P. Whittlesey, her heirs and assigns forever, as fully and effectually as if the said real estate had descended from the said John Lindsley to the said Catharine P. Whittlesey by will or deed, and the title and interest of the State of Indiana, in and to the said real estate, and the profits and issues thereof are hereby relinquished and conveyed to the said Catharine P. Whittlesey, her heirs and assigns forever.

Real estate con-
veyed and con-
firmed.

CHAPTER LXXXIV.

AN ACT for the relief of Lot Edwards.

[APPROVED MARCH 9, 1861.]

WHEREAS, It is represented that Lot Edwards purchased the following real estate, situate in Parke county, Indiana, to-wit: The west half of the north-west quarter of section twenty-eight, (28) in township fourteen, (14) north of range six (6) west; also, the east half of the south-west quarter of section fifteen, (15) township fourteen (14) north, of range six (6) west, of Henry Taylor, who entered said tracts of lands from the Government of the United States, and received a patent therefor; and whereas, the said Henry Taylor was and is a subject of her Majesty Queen Victoria, and resident of her Province of Canada; now therefore, to confirm the said Lot Edwards, his heirs and assigns forever, a perfect title in said premises above described,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the estate and interest of the State of Indiana in and to said premises, or that might vest in her in and to said premises, by the law of escheats or by reason of said Henry Taylor, the patentee being an alien, be and the same shall be, and hereby are vested in the said Lot Edwards, his heirs and assigns forever.

SEC. 2. That an emergency exists for the the immediate taking effect of this act, and that it be in force from and after its passage.

CHAPTER LXXXV.

AN ACT to amend the 3d section of an act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and the compensation of such Reporter, approved February 5th, 1852, and also to amend section 1 of an act, entitled an act to amend the fifth and sixth sections of an act, entitled "An act to provide for the election of a Reporter and a speedy publication of the Decisions of the Supreme Court, and for the compensation of such Reporter," approved February 28th, 1855.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section three of an act, entitled "An act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852, which reads as follows:

"Sec. 3. The reports of said decisions shall be printed on good paper and upon pages of as large size as those of the previous volumes of the reports of the decisions of the Supreme Court of this State, and shall consist of the opinions of the Judges given in each case, such opinions to be published in full, and in manner and form as the said opinions were delivered by the judges; a brief statement of the facts, when the facts are not sufficiently stated in said opinions, and an analysis or syllabus of the points decided, together with such notes and references as the reporter may deem proper after the manner of the first and second volumes of 'Blackford's Reports,' and shall attach as an appendix to each volume immediately before the index thereof, a table of all cases decided in said Court, the decisions in which may have been overruled by decisions contained in such volume," be amended to read as follows:

The reports of said decisions shall be printed on good paper, and upon pages of as large size as those of the previous volumes of reports of the decisions of the Supreme Court of this State, and shall consist of the opinions of the judges given in each case; such opinions to be published in full, and in manner and form as they are delivered by the judges; a brief statement of the facts, when the facts are not sufficiently stated in the opinion, and an analysis or syllabus of the points decided in each case shall be given, with such notes and references as the reporter may deem proper, after the manner of the first and second volumes of Blackford's Reports, and shall attach as an appendix to each volume, immediately before the index thereof, a table of all cases decided in said Court, the decisions in which may have been overruled by de-

Amended to include tables of cases overruled by decisions, but no brief or argument to be published.

cisions contained in such volume. But no briefs or arguments of the attorneys in such cases shall be published with said reports.

SEC. 2. *Be it further enacted*, That section one of an act, entitled "An act to amend the fifth and sixth sections of an act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 28th, 1855, which reads as follows:

Sec 1 recited.

"Sec. 1. Whenever such printed report shall, without dividing the decisions made at any one term, make not less than six hundred pages, the reporter shall add an index thereto and cause the same to be bound, in good law binding, into a volume, to be styled 'Indiana Reports,' and shall forthwith deliver to the Secretary of State, for the use of the State, five hundred volumes thereof; and the Secretary of State shall cause the same to be distributed and disposed of as follows, to-wit: Three copies to the clerk's office of the Circuit Court of each county within this State, two copies of which shall be for the use of the Courts of such county, and the other copy for the use of the county Library thereof, and one copy for each College in this State, and the residue of such volumes he shall cause to be deposited in the State Library: *Provided*, That if (unless the decisions of particular term be divided) such reports, including the index, would exceed six hundred and fifty pages, exclusive of the space occupied by the Reporter's notes, then the decisions of such particular term may be divided so that the report, including the index and excluding the space occupied by the Reporter's notes, shall be not less than six hundred pages; which report shall then be indexed and bound, and five hundred copies delivered to the Secretary of State as aforesaid, for the use aforesaid," be, and the same is hereby amended to read as follows:

Amended if single term of decisions will not make 600 pages, reporter may publish.

Whenever such printed report shall, without dividing the decisions made at any one term, make not less than six hundred pages, the Reporter shall add an index thereto, and cause the same to be bound in good law binding into a volume, to be styled "Indiana Reports," and shall forthwith deliver to the Secretary of State for the use of the State five hundred volumes thereof; and the Secretary of State shall cause the same to be distributed and disposed of as follows, to-wit: three copies to the Clerk's Office of the Circuit Court of each county within this State; two copies of which shall be for the use of the Courts of such county, and the other copy for the use of the County Library thereof, and one copy to each College of this State, and the residue of such volumes he shall cause to be deposited in the State Library: *Provided*, That if the decisions of a single term shall not amount to six hundred printed pages, the Reporter shall, notwithstanding, publish in a separate volume the decisions of such term, and shall have the same published and ready for delivery on or before the first day of the next succeeding term.

CHAPTER LXXXVI.

AN ACT to raise a revenue for State purposes, for the years 1861 and 1862.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a tax for State purposes be and is hereby authorized and directed to be levied upon each one hundred dollars of the value of all property entered for taxation in the general list of taxables, for the years 1861 and 1862, as follows, to-wit:

For the year 1861, fifteen cents on each one hundred dollars, and fifty cents upon each poll subject by law to taxation. And for the year 1862, fifteen cents upon each one hundred dollars, and fifty cents upon each poll subject by law to taxation.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, it is hereby declared that the same shall be in force from and after its passage.

CHAPTER LXXXVII.

AN ACT to provide for the prosecution of the necessary judicial proceedings to procure the removal of the feeder dam erected across the Calumet River, in the State of Illinois, and for the payment of the expenses of such proceeding.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Attorney General be, and he is hereby authorized to commence and prosecute to final judgment, such judicial proceedings as in his opinion are, or may be necessary for the purpose of procuring the abatement and removal of the feeder dam erected by authority of the State of Illinois across the Calumet River, for the purpose of supplying water to the Illinois and Michigan Canal, or of procuring the hight of said dam to be reduced so that it will not cause

Attorney Gen-
eral authorized
to commence
suit for removal
of.

the waters of said river to overflow any lands in the State of Indiana.

If deemed proper, State may be made plaintiff alone, or jointly with citizens.

SEC. 2. If in the opinion of the Attorney General it shall be proper and expedient to do so, the State of Indiana may be made plaintiff, alone or jointly, with one or more citizens of this State, in any judicial proceeding contemplated by the first section of this act, or such proceedings may be prosecuted in the name of one or more citizens of this State as plaintiffs, without making the State a co-plaintiff, and such proceedings may be instituted and prosecuted against any person or persons, body corporate or politic, which may be a proper party thereto, in any court of competent jurisdiction.

Duty of Governor before suit can be commenced.

SEC. 3. Before any judicial proceedings shall be commenced in pursuance of this act, it shall be the duty of the Governor to endeavor, by application, to be made as soon as practicable, to the proper authorities of the State of Illinois, to procure the abatement of said dam without suit, and in the event of failure on the part of the Governor to procure the same to be abated, then the Attorney General is authorized to enter into an agreement for the abatement of said dam within one year from the time the Governor shall apply for its removal, as above provided. Such agreement shall be between the State of Indiana and the State of Illinois, or the proper officer or officers thereof.

Suit to be commenced if agreement cannot be made.

Appropriation for payment of expenses.

SEC. 4. If a satisfactory agreement cannot be made, as provided for in the preceding section, then the Attorney General shall commence suit immediately, as provided in the first and second sections of this act.

SEC. 5. A sum not exceeding one thousand dollars is hereby appropriated for the payment of the expenses of the judicial proceedings contemplated by this act, and the same shall be paid out of any money in the State treasury not otherwise appropriated, upon warrants to be drawn by the Auditor of State; but no such warrant shall be drawn until a detailed statement of the items of costs or other expenses shall be filed with the Auditor, and certified to be correct by the Governor.

Emergency declared.

SEC. 6. It is hereby declared that an emergency exists requiring this act to take effect immediately, and it is therefore enacted that the same shall be in force from and after its passage.

CHAPTER LXXXVIII.

AN ACT to authorize the Gibson County Circuit Court to hear testimony and make a decree in reference to the erection and sale of the County Seminary of the said county.

[APPROVED MARCH 8, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judge of the Circuit Court of Gibson county be and is hereby authorized and empowered to hear allegations and testimony in reference to the erection and sale of the County Seminary building in said county, and if upon proof it shall appear to the satisfaction of said Court that fifteen hundred dollars was the full value of said premises when sold, and that one-half of the funds expended in the construction of said building was paid by the inhabitants of said town, and that the trustees of said town have paid to the treasurer of said county at least one-half the amount for which it was sold, then and in that case said Court shall make a decree to that effect.

SEC. 2. It shall be the duty of the auditor of said county when a certified copy of such decree is presented to him to make a deed for such premises to the trustees of the town of Princeton to be used as a school house.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

NOTE.—Published in Daily Journal and Sentinel March 11, 1861.

CHAPTER LXXXIX.

AN ACT accepting the surrender of a contract by William H. Talbott and Francis Costigan for the construction of the Northern State Prison, and the rights and property therein mentioned, and to appropriate the sum of thirteen thousand five hundred and seventy-four dollars and seventy-seven cents to pay Talbott and Costigan the amount due them according to estimate for work under said contract.

[APPROVED MARCH 11, 1861.]

Proposition.

Whereas the following proposition has been submitted to the General Assembly of the State of Indiana, to-wit:

"We, the undersigned, having entered into a contract on the eighth day of June, 1860, with the Board of Control to superintend the construction of a State's Prison in that part of the State of Indiana lying north of the National Road, for the erection, furnishing materials, and all things connected with the completion of said prison, which said contract is not yet fully completed, but upon which estimates have been made from time to time for work done and materials furnished, and on which estimate we claim there is due us for work and materials and for reserved percentage, the sum of thirteen thousand and five hundred and seventy-four dollars and twenty-seven cents, (13,574 27,) and being desirous of settling all matters connected with or growing out of said work, and to surrender said contract and transfer to the State of Indiana the possession of said prison and all the rights upon our part connected therewith, do hereby propose to release the State of Indiana from all claim on our part under said contract, to transfer and deliver to said State all the rights, privileges, conveniences and property of every description used by us in carrying on said contract, and to surrender the possession of the said work, ground, privileges and property to the said State or its agents upon the condition that the State, through the General Assembly, shall appropriate and cause to be paid the amount of balance due on estimates and reserved percentage, amounting in the aggregate to the sum of thirteen thousand and five hundred and seventy-four dollars and twenty-seven cents; and we further propose to enter upon said contract the full release and discharge of the State of Indiana from any and all claims, whether legal or equitable, growing out of said contract. the above proposition is not intended to include any private property which may have been used in

and about said work, and which has not been paid for directly or indirectly by the State.

“TALBOTT & COSTIGAN.”

SECTION 1. *Now, therefore, be it enacted by the General Assembly of the State of Indiana,* That the surrender of said contract, proposed as above by the said Taibott & Costigan, be, and the same is hereby, accepted by the State of Indiana on the terms and conditions therein contained, and the said Talbott & Costigan are hereby discharged and released from said contract and all liability thereon.

SEC. 2. *Be it further enacted,* That the sum of thirteen thousand five hundred and seventy-four dollars and twenty-seven cents be, and the same is hereby, appropriated to the said William H. Talbott and Francis Costigan, to be drawn so soon as the said Talbott & Costigan shall produce to the Auditor of State the certificate of the Board of Control of said prison that the above proposition on their part has been fully complied with, and the said Board of Control are hereby directed to take possession of all the property belonging to the State of Indiana in anywise appertaining to or connected with said prison or the construction thereof without delay.

SEC. 3. That in consequence of the present condition of affairs connected with the Northern Prison, an emergency exists, therefore this act shall be in force from and after its passage.

CHAPTER XC.

AN ACT supplemental to an act entitled, "an act to provide for the government and discipline of the State Prison, and to repeal 'an act to provide for the government and discipline of the State Prison,'" approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5th 1857, providing that the directors of said Prison may work the convicts outside the walls of said Prison under certain instructions, and providing punishment for any interference with the officers or convicts of said Prison while so employed, and providing for the purchase of ground for a graveyard, for the enlargement of the female department of the Prison, and authorizing said directors to adjust and settle all matters in controversy with the contractors in said Prison; to make new contracts with said contractors, and repealing section eleven of an act entitled, "an act to provide for the government and discipline of the State Prison," and to repeal an act entitled, "an act to provide for the government and discipline of the State's Prison," approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857.

[APPROVED MARCH 11, 1861.]

Directors to cause convicts to labor outside walls, on grounds owned or leased by State.

Any person interfering with officer in discharge of duty, deemed guilty of misdemeanor.

Directors authorized to purchase a burial ground, not to exceed four acres.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the directors of the State Prison situated in Clark county, Indiana, be and are hereby authorized to cause the convicts, confined or hereafter to be confined in said Prison, to be employed outside the walls of said Prison, chopping wood and timber for the use of the Prison, making brick or other labor on the land owned by the State adjoining the Prison, and in the cultivation of any fields or grounds that may be leased by the directors for the purpose of raising vegetable products for the use of the Prison.

SEC. 2. Any person who shall in any manner interfere with or obstruct any officer of said Prison while engaged in the discharge of his duties as such officer, or shall in any manner interfere with any convict employed under the control of any officer of said Prison according to the rules and regulations of said Prison, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars for each and every offence.

SEC. 3. Said directors are hereby authorized to purchase not to exceed four acres of land in the vicinity of said Prison, to be used as a burial place for the convicts dying while in Prison, and shall cause said lot to be properly enclosed with a

good substantial fence, the expense of the same to be paid out of the general appropriation made for said Prison: *Provided*, The cost of said land shall not exceed one hundred and fifty dollars per acre.

SEC. 4. Said directors are hereby authorized to enlarge the female department of said Prison, the cost of the same not to exceed fifteen hundred dollars, to be paid out of any moneys in the Treasury not otherwise appropriated. Directors may enlarge female department.

SEC. 5. Said directors are hereby authorized to settle and adjust all matters in controversy with former or present contractors in such manner as they may deem proper to secure and protect the interests of the State, and may, if they deem it advantageous to the interest of the State of Indiana, cancel or alter any contracts now in existence: *Provided*, That said directors may, if they deem proper, take, receive and hold any articles manufactured in said Prison as collateral security for the payment of any debts due by the contractors in said Prison to the State of Indiana: *And provided further*, That nothing in this act shall authorize said directors to reduce the wages of such convicts to a less sum than thirty-three cents per day. The said directors shall make a special report of all their proceedings in relation to the alteration or compromise of any contract as provided for herein to the Governor, immediately after their action thereon, and give a clear and minute statement of the facts connected therewith. Directors authorized to settle matters in controversy with former or present contractors. Proviso as to collateral security. Convict wages not to be reduced below 33 cents per day, and special report of Directors to Governor.

SEC. 6. That it is hereby made the duty of the Warden of said Prison to provide a register in which shall be entered the names of all convicts, in which shall be kept an accurate account of the conduct of such convict, and at the end of each month such Warden shall give a certificate of good conduct to such convict as said Warden may deem entitled thereto, and if any convict who may receive such certificate shall thereafter, in the opinion of said Warden, be guilty of bad conduct, said convict shall forfeit the certificate given for the previous month, and the certificate shall be cancelled. There shall be deducted from the term of service of each convict one day for each monthly certificate he may have during the first year; two days for each monthly certificate he may have during the second year, adding one additional day to the deduction of each monthly certificate for each additional year; and said Warden shall discharge such convict whenever his term of service, deducting therefrom the number of days to which such convict shall be entitled by virtue of his certificates of good conduct, may expire. Duty of Warden to procure and keep register, and how same shall be kept.

SEC. 7. That section eleven of an act entitled, "an act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and dis-

cipline of the State Prison," approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857, be and the same is hereby repealed.

Emergency declared.

SEC. 8. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage.

CHAPTER XCI.

AN ACT to amend section one hundred and fifty-one of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section one hundred and fifty-one of said act, which reads as follows:*

"After payment shall have been made the county auditor shall give to the purchaser a certificate in writing, describing the land so purchased, the sum paid and the time when the purchaser will be entitled to a deed, which certificate shall entitle the holder to the possession of the premises therein described," shall be so amended as to read as follows:

After payment shall have been made, the county auditor shall give to the purchaser a certificate in writing, describing therein the land so purchased, the sum paid and the time when the purchaser will be entitled to a deed.

CHAPTER XCII.

AN ACT to amend section six of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers, and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

OFFICE OF THE SECRETARY OF STATE, }
Indianapolis, March 17, 1861. }

This law was filed in my office on Monday, March 11th, 1861, at 5 o'clock, P. M., without the approval of the Governor, or his objections being filed thereto, that being after the general adjournment of the Legislature. Nor have his objections been filed at this date.

W. A. PEELE,
Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section six of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," which reads as follows, to-wit:

"Sec. 6. The following property shall be exempt from taxation: Sec. 6 recited.

"First. The real and personal property of the United States and of this State.

"Second. Every school house, court house, market house, poor house and jail, and the land whereon such buildings are situate, and all county lands and buildings set apart for county purposes.

"Third. All fire engines, hose, hooks, ladders, and other apparatus for the extinguishment of fires, and all fire engine houses with the land on which the same may be situated, and all powder magazines, with the land on which they may be situated, belonging to or owned by any incorporated town or city in this State, and held by such town or city for the use, benefit, safety or convenience of the public.

"Fourth. Every building erected for religious worship and the pews and furniture within the same, and the lands whereon such building is situate, not exceeding ten acres, also every cemetery.

"Fifth. Every building erected for the use of any literary, benevolent, charitable, or scientific institution, or erected for the same purpose by any town, township or county, and the tract of land on which such building is situate, not exceeding twenty acres; also the personal property belonging to any institution, town, township, city or

county, and connected with or set apart for any of the purposes aforesaid.

"Sixth. All lands granted for the use of common schools, so long as the same shall remain unsold.

"Seventh. The personal property and real estate of every manual labor school or college incorporated within this State, when used or occupied for the purposes for which it was incorporated, such real estate not to exceed three hundred and twenty acres;" be, and the same is hereby, amended so as to read as follows:

Amended to include individual or individuals, association or corporation.

SEC. 6. The following property shall be exempt from taxation:

First. The real and personal property of the United States and of this State.

Second. Every school house; court house, market house, poor house and jail, and the land whereon such buildings are situate, and all county lands and buildings set apart for county purposes.

Third. All fire engines, hose, hooks, ladders and other apparatus for the extinguishment of fires, and all fire engine houses, with the land on which the same may be situated, and all powder magazines, with the land on which they may be situated belonging to or owned by any incorporated town or city in this State, and held by such town or city for the use, benefit, safety or convenience of the public.

Fourth. Every building erected for religious worship, and the pews and furniture within the same, and the lands whereon such building is situate, not exceeding ten acres, also every cemetery.

Fifth. Every building erected for the use of any literary, benevolent, charitable or scientific institution, by any individual, or individuals, association or coporation, or erected for the same purpose by any town, township or county, and the tract of land on which such building is situate, not exceeding twenty acres; also the personal property belonging to any institution, town, township, city or county, and connected with or set apart for any of the purposes aforesaid.

Sixth. All lands granted for the use of common schools, so long as the same shall remain unsold.

Seventh. The personal property and real estate of every manual labor school or college incorporated within the State when used or occupied for the purpose for which it was incorporated.

CHAPTER XCIII.

AN ACT to amend section 124 of an act entitled, "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 124 of the above entitled act, which reads as follows:

"Each county treasurer shall, on or before the second Monday of Sec. 124 recited. April in each year, pay over to the State Treasurer all the moneys found due for State revenue, according to the certificate of settlement with the auditor of his county, deducting therefrom his traveling fees, and shall take a receipt from the State Treasurer for the money so paid, which he shall deposit with the Auditor of State, who shall give him a quietus," shall be so amended as to read as follows:

SEC. 124. Each county treasurer shall, on the fourth Monday in April, in each year, pay over to the Treasurer of State all the moneys found due for State revenue, according to the certificate of settlement with the auditor of his county, deducting therefrom his traveling fees, and shall take a receipt from the Treasurer of State for the moneys so paid, which receipt he shall deposit with the Auditor of State, who shall give him a quietus. Amended to extend to 4th Monday.

SEC. 2. Whereas, an emergency exists for the immediate Emergency declared. taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

CHAPTER XCIV.

AN ACT to amend an act entitled, "an act to amend the 103 section of an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,'" approved June 21, 1852, approved March 5, 1859."

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section first of the above entitled act, which reads as follows, to-wit:*

Sec. 1 and amendment re-cited.

"*Be it enacted by the General Assembly of the State of Indiana, That section one hundred and three of an act entitled, 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,' approved June 21, 1852, which reads as follows, to-wit:*

"Sec. 103. The said treasurers shall annually, on the first Monday of August, file with the auditors of their respective counties, schedules of all such delinquent taxes collected by them, verified by their oaths or affirmations, and shall receipt to said auditors for the amount collected for county purposes, and shall pay the amount collected for State purposes into the treasury of the State, or deposit the same to the credit of the Treasurer of State in the nearest bank, if so directed by said Treasurer of State; and it shall be the duty of such county auditors to forward certified copies of such schedules forthwith to the Auditor of State," be amended to read as follows:

"Sec. 103. The said treasurers shall annually, on the fifteenth day of October, provided the same does not come on Sunday, and if so, then on the Monday following, file with the auditors of their respective counties, schedules of all such delinquent taxes collected by them, verified by their oaths or affirmations, and shall receipt to said auditor for the amounts collected for county, township, and road purposes, and shall pay the amount collected for State, school, and sinking fund purposes into the treasury of the State, or deposit the same to the credit of the Treasurer of State in the nearest bank, if so directed by the said Treasurer of State; and it shall be the duty of such county auditors to forward certified copies of such schedules forthwith to the Auditor of State," be amended to read as follows:

"Section 1. *Be it enacted by the General Assembly of the State of Indiana, That section one hundred and three of an act entitled, 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and*

of the Treasurer and Auditor of State,' approved June 21, 1852, which reads as follows, to wit:

"Sec. 103. The said treasurers shall annually, on the first Monday in August, file with the auditors of their respective counties, schedules of all such delinquent taxes collected by them, verified by their oaths or affirmations, and shall receipt to said auditors for the amount collected for county purposes, and shall pay the amount collected for State purposes into the treasury of the State, or deposit the same to the credit of the Treasurer of State in the nearest bank, if so directed by said Treasurer of State; and it shall be the duty of such county auditors to forward certified copies of such schedules forthwith to the Auditor of State," be amended to read as follows:

Sec. 103. The said treasurers shall annually, on the first day of October, provided the same does not come on Sunday, and if so, then on the Monday following, file with the auditors of their respective counties, schedules of all such delinquent taxes collected by them, verified by their oaths or affirmations, and shall receipt to said auditor for the amounts collected for county, township, and road purposes, and shall deduct therefrom the amount of school revenue apportioned to his county, and pay the balance of the amount collected for State, school and sinking fund purposes into the treasury of the State, or deposit the same to the credit of the Treasurer of State in the nearest bank, if so directed by the said Treasurer of State; and it shall be the duty of such county auditors to forward certified copies of such schedules forthwith to the Auditor of State.

Amended to
read 1st day of
October.

CHAPTER XCV.

AN ACT to amend the first section of "an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and to legalize the actions of boards of county commissioners in regard to the levying of poll taxes for county purposes, and declaring an emergency for the immediate taking effect of this act.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section one of "an act to provide for*

the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, which reads as follows:

Sec. 1 recited.

"Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That all taxes for the support of the government of the State shall be assessed on polls, and on property listed and valued in equal and ratable proportions (except as to the tax on stock in the State Bank, and such other stocks as may be specifically taxed,) in the following manner, namely: the amount necessary and properly to be charged on each poll and on each hundred dollars worth of property, for State expenditures and for school purposes, shall from time to time be fixed by law, and the amount to be charged on each one hundred dollars worth of property for county expenditures, shall be determined by the board of county commissioners at their annual meetings in June, be and the same is hereby amended to read as follows:

Amended at exception, by stock or property, instead of State bank stocks.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all taxes for the support of the government of the State, shall be assessed on polls and on property listed and valued in equal and ratable proportions (except as to such stocks or property as may be specifically taxed, or not liable by law for taxation,) in the following manner: the amount necessary and proper to be charged on each poll, and each one hundred dollars worth of property, for State expenditures, and for school purposes, shall from time to time be fixed by law, and the amount to be charged on each poll, and on each one hundred dollars worth of property, for county expenditures, shall be determined by the board of county commissioners at their annual meetings in June of each year.

Legalizing.

SEC. 2. All acts of boards of county commissioners heretofore performed in levying poll taxes for county purposes, are hereby legalized.

Emergency declared.

SEC. 3. There being now no law allowing boards of county commissioners to levy a poll tax for county purposes, and the poll taxes levied by them being without authority of law, it is hereby declared that an emergency exists for the immediate taking effect of this act upon its passage; therefore it shall be in force from and after its passage.

CHAPTER XCVI.

AN ACT concerning the State, County, Township and Road tax of the counties of Jasper and Newton.

[APPROVED FEBRUARY 21, 1861.]

WHEREAS, A petition in due form was, on the 8th day of December, 1857, presented to the Board of Commissioners of Jasper county praying the formation of the new county of Newton out of a part of the territory of Jasper county, whereupon said Board appointed a proper committee of the persons as a board of commissioners to lay off and establish the boundaries of said county of Newton, who, at the March term, 1858, of said board of commissioners of Jasper county, made their report to the same board in the premises—all which appears to have been done according to the statute in such case made and provided.

AND WHEREAS, Said report was not ordered by said Board of Commissioners of Jasper county, to be spread on their order book, nor was the same entered upon their order book till the 24th day of December, 1859, whereby it became, and is a doubtful matter in law at what date the said county of Newton should be deemed to have become an organized county.

AND WHEREAS, The State, county, township and road taxes for the years 1858 and 1859 within all the territory of both said counties were assessed and levied in said county of Jasper, and the duplicate thereof have been issued by the auditor of Jasper county to the treasurer of that county, and are now in his hands, a large part of which remain uncollected.

AND WHEREAS, By reason of the premises, it is doubtful who is authorized to collect the said taxes in the county of Newton, or whether any person is legally entitled to collect the same: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor of the county of Jasper make out a complete copy from the tax duplicates of said county of all delinquent and unpaid taxes accruing before the 24th day of December, 1859, against all persons and property within the bounds of the present county of Newton; to the accuracy of which copy the said auditor shall certify under his hand and seal of office. And the copy so certified as afore-

Duty of auditor of Jasper county, in regard to copy of tax duplicates for Newton county.

said, the said auditor shall forthwith deliver to the auditor of the county of Newton.

Duty of auditor and treasurer of Newton, after receipt of copy of duplicate.

SEC. 2. That upon the receipt of said certified copy by said auditor of the county of Newton, he shall forthwith make a copy thereof, under his certificate and seal of office, and deliver the same to the treasurer of said county of Newton, which shall be a sufficient authority to the said treasurer to collect all the unpaid taxes therein specified in like manner as the treasurer of Jasper county might have done by virtue of said original duplicates if said county of Newton had never been organized. And it is hereby made the duty of said treasurer of the county of Newton, to collect and account for said unpaid taxes in all respects as he would be bound by law to collect the taxes on a tax duplicate duly issued to him by the proper authorities of said county of Newton.

Treasurer of Jasper county to pay, under direction of board of commissioners, on demand of treasurer of Newton, all taxes collected for 1858 and 1859, certain expenses however, to be deducted.

SEC. 3. That it is hereby made the duty of the treasurer of Jasper county, under the direction of the board of commissioners thereof, to pay over on demand to the treasurer of Newton county all county taxes for the years 1858 and 1859 which have been collected for those years by said treasurer of Jasper county on persons and property within the present bounds of the county of Newton, deducting therefrom, however, such proportion of the county expenses of Jasper county as the persons and property within the bounds of Newton county would have had to bear if said Newton county had never been organized. And such deduction shall be made by the board of commissioners of Jasper county, and they shall ascertain and fix the amount so to be paid to the treasurer of Newton county within a reasonable time herefrom; and said payment by the treasurer of Jasper county to the treasurer of Newton county shall not be made till said board of commissioners shall so make said deduction and fix said amount.

Collections of taxes by treasurer of Jasper county, for 1858 and 1859, within present bounds of Newton county, legalized.

Emergency declared.

SEC. 4. That all the proceedings and collections of taxes by the treasurer of Jasper county for the years 1858 and 1859, on persons and property within the present bounds of Newton county, be, and the same are hereby, legalized and rendered valid to all intents and purposes in like manner and to the same extent of validity as if the county of Newton had never been organized.

SEC. 5. That inasmuch as there is no general law now in force embracing the matters set forth in the preamble to this act, and forasmuch as without the immediate aid of this act there is danger that a portion of said revenue will be lost to the State, it is therefore hereby declared that an emergency exists; and it is hereby enacted that this act take effect and be in force from and after its passage.

CHAPTER XCVII.

AN ACT to amend the 11th section of an act, entitled "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys," passed March 1st, 1859.

[APPROVED MARCH 5, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section eleven of an act, entitled "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys," which reads as follows, to-wit:

"If at any time the Treasurer of State deems it proper that any moneys in the treasury of any county belonging or due to the State, should be paid into the treasury of the State, he shall so direct the treasurer of such county, and such treasurer shall transmit such money to the treasury of the State, in the manner and at the time so directed," be amended so as to read as follows:

That each county treasurer in this State shall be required to make out a monthly statement to the Treasurer of State, commencing on the first Monday of December of each year, and on the first Monday in each month thereafter until the first Monday in April, and transmit the same by mail, showing as nearly as practicable the amount of money on hand subject to be drawn by the Treasurer of State. At any time the Treasurer of State shall deem it necessary that any moneys in the treasury of any county belonging or due to the State, should be paid into the Treasury of the State, he shall so direct the treasurer of such county, and such treasurer shall forthwith transmit the same, under the direction of the Treasurer of State—any treasurer failing to comply with the provisions of this act within ten days after the requisition made upon him, then suit shall be instituted upon the bond of such treasurer so failing to comply, and ten per cent. damages upon the amount of money in his hands subject to such order, and all accruing costs thereon shall be recovered of any such county treasurer.

SEC. 2. An emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Amended to require county treasurer to report monthly to Treasurer of State.

State Treasurer may order county treasurers to pay over amount in their hands, and any county treasurer failing to comply, suit may be instituted.

CHAPTER XCVIII.

AN ACT to provide for a deficiency in the State Treasury by a loan of seventy-five thousand dollars from the Commissioners of the Sinking Fund, to meet the current expenses of the State, and to provide for the security and repayment of the same.

[APPROVED FEBRUARY 20, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Governor, Auditor, and Treasurer of State be, and they hereby are, authorized and directed to procure of the Commissioners of the Sinking Fund, a temporary postponement of the distribution of the funds now in their hands to the amount of seventy-five thousand dollars, and that they negotiate a loan for the same on behalf of the State. The amount of such loan, if negotiated, shall remain on deposit, to the credit of the Treasurer of State, at interest, until drawn by him in sums not exceeding five thousand dollars, as may be needed for the wants of the Treasury. Such loan shall be repaid on the first day of May next, or as much earlier as it can be discharged from the incoming revenue of the State; the interest thereon to be at the rate of seven per cent. per annum, as other Sinking Fund loans.

SEC. 2. That the Auditor of State be directed, when the loan above provided for shall be negotiated, to deliver to the Commissioners of the Sinking Fund the five per cent. stock of the State to the amount of eighty thousand dollars, to be retained by the said Commissioners until the repayment of such loan.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

CHAPTER XCIX.

AN ACT authorizing Township Trustees to assign certificates of purchase of Saline Lands which were purchased with district school funds by the inhabitants of school districts in Congressional Townships for school house sites.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases in which the inhabitants of school districts in congressional townships, under former laws, purchased saline lands for school house sites with their school funds, and have sold the same, and failed to assign the certificates of purchase, it shall be the duty of the trustee of the civil township in which the lands are situated to make the proper transfer, if the board of commissioners of the county where such lands were sold shall so order, provided the party desiring such transfer shall first prove to the satisfaction of such board that he did purchase such lands from such inhabitants, and that full payment has been made therefor, and that he did, at least thirty days before the hearing of such application, put up notices thereof in three of the most public places in the civil township in which such lands are situated.

CHAPTER C.

AN ACT to amend the seventh section of an act entitled, "an act to incorporate the South Bend Manufacturing Company," and to repeal the ninth section of the same, approved December 28th, 1842.

[APPROVED MARCH 9, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the seventh section of an act entitled, "an act to incorporate the South Bend Manufacturing Company," approved December 28th, 1842, which reads as follows:

"Section seven (7.) Said Company is authorized to erect a dam across the St. Joseph River, at or near the head of the Rapids, at or near the town of South Bend, or such other convenient place at or near said town as they may think proper, said dam not to exceed six feet in perpendicular height above the surface of the water: *Provided*, That they erect a substantial and convenient lock sufficient to admit the safe passage of all boats and other water craft usually navigating said stream: *And provided also*, That they keep said lock in good repair for the passage of boats, and have a sufficient number of hands constantly to attend the same," be and the same is hereby amended to read as follows:

SEC. 7. Said Company is hereby authorized to erect a dam across the river St. Joseph, at or near the Rapids, or at or near the town of South Bend, or such other convenient place at or near said town, as they may think proper.

SEC. 2. *Be it further enacted*, That section nine of the above entitled act, be and the same is hereby repealed.

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CHAPTER CI.

AN ACT to quiet the title to a piece of ground in Vanderburgh county, known as the east half of out lot No. 5, according to the plan of out lots laid out by Robert M. Evans, on part of the north west quarter of section No. 29, in township six, south of range ten west.

[APPROVED MARCH 9, 1861.]

Preamble.

WHEREAS, It is represented to this General Assembly, that Thomas Smith, late of Vanderburgh county, deceased, was at the time of his death, the owner in fee simple of the east half of out lot (No. 5) five, according to the plan of out lots laid out by Robert M. Evans, on part of the north-west quarter of section 29, in township six, south of range ten west, in Vanderburgh county, and that the said Smith died intestate, some ten years since, and that the said Thomas Smith was married in the United States, about forty years ago, to a lady with whom he cohabited in said county till her death, and who was, by him and his acquaintances, recognized and treated as his lawful wife; and that the said Thomas Smith had divers sons and daughters, the issue of said marriage, who survived him, and who were by the said

Thomas Smith, and his neighbors and acquaintances, recognized and treated as his lawful issue; and that after the death of the said Thomas Smith, his said children supposing themselves to be his legal heirs, and as such the owners in fee, by descent, of the said property, sold and conveyed sundry portions of said property, in fee, to divers persons, who purchased and paid for the same in good faith, and under the impression that the said children of the said Thomas Smith, were his legal heirs; and that of late a rumor has been circulated to the effect that at the time of his marriage in the United States as aforesaid, the said Thomas Smith had a wife living in England, to whom he was there lawfully married, and by whom he had one daughter, his lawful issue, who also survived him and is still living, but who was born in England, and never was in the United States: and whereas, the said rumor has led many persons to fear that the State of Indiana may hereafter assert title by escheat to said property, whereby the market value thereof has been greatly depreciated; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all right, title and claim which the State of Indiana has to the property above, in the preamble of this act described, by reason of the facts in the said preamble recited, be, and the same is hereby forever renounced, and henceforth no person's title or claim to said property, or any part thereof, shall be in anywise affected or impaired by reason of any supposed claim of the State of Indiana thereto, growing out of the facts recited in the above preamble.

Claim by es-
cheat, of State,
forever released.

CHAPTER CII.

AN ACT to enlarge the legal capacity of married women whose husbands are insane, and to enable them to contract as if they were unmarried.

[APPROVED MARCH 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all married women, or those who may be hereafter married, whose husbands are, or may be insane, are during the continuance of such insanity, hereby enabled and authorized to make and execute all such contracts, and be contracted with, in relation to their separate property, as they could if they were unmarried, and they may sue and be sued thereon as if they were sole.

SEC. 2. An emergency existing in reference to the above act, the same is to be in force from and after its passage.

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF THE STATE OF INDIANA,
1861.

CHAPTER I.

A JOINT RESOLUTION in relation to publication of Reports of the State Board of Agriculture.

WHEREAS, It is ascertained that the cost of publishing the Reports of the State Board of Agriculture amounts to about nine thousand dollars for each volume, which sum it is believed is more than the Reports are worth when published: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the publication of said reports be hereafter be discontinued.

CHAPTER II.

A JOINT RESOLUTION to provide for the appointment of a commission to investigate and report on the fiscal affairs of the State.

WHEREAS, It is ascertained that the books and accounts of the several Departments of the State Government show an unsatisfactory condition of the fiscal affairs of the State.

AND WHEREAS, There appear to be a deficit and over-drafts in nearly all the accounts.

AND WHEREAS, It is the duty of this Legislature to investigate this matter in a more ample and complete manner than the Committees can possibly do, from want of time: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That a joint commission consisting of three from the House and two from the Senate be appointed to examine into and report to the next session of the General Assembly, or to the Governor of the State, so soon as they shall complete the work herein contemplated, and that for the purpose of enabling said commission to complete the same, they are hereby empowered to examine the books, vouchers and other papers, in the several offices of State, and to send for and enforce the attendance and production of such persons and papers as may be deemed essential to the examination, and report, as herein contemplated; and said commission shall receive, each, the same compensation as members of the Legislature during such time as they may be necessarily engaged in the investigation so provided for.

CHAPTER III.

A JOINT RESOLUTION authorizing the Governor to appoint Commissioners to meet those sent by other States in Convention to consider the State of the Union.

WHEREAS, The State of Virginia has transmitted to this State Resolutions adopted by her General Assembly inviting all such States as are willing to unite with her in an earnest effort to adjust the present unhappy controversies in the spirit in which the Constitution was originally formed, to send Commissioners to meet those appointed by that State in Convention to be held in the City of Washington on the 4th day of February next, to consider and if possible to agree upon some suitable adjustment.

AND WHEREAS, Some of the States to which invitations were extended by the State of Virginia have already responded and appointed their Commissioners: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That we accept the invitation of the State of Virginia in the true spirit of fraternal feeling, and that the Governor of this State is hereby directed and empowered to appoint five Commissioners to meet the Commissioners appointed by our sister States to consult upon the unhappy differences now dividing the country, but the said Commissioners shall take no action that will commit this State until nineteen of the States

[of the Union] are represented, and without first having communicated with this General Assembly in regard to such action, and having received the authority of the same so to commit the State.

Resolved, That while we are not prepared to assent to the terms of settlement proposed by the State of Virginia, and are fully satisfied that the Constitution, if fairly interpreted and obeyed, contains ample provision within itself for the correction of the evils complained of, still, with a disposition to reciprocate the patriotic desire of the State of Virginia, and to have harmoniously adjusted all differences existing between the States of the Union, this General Assembly is induced to respond to the invitation of Virginia by the appointment of the Commissioners herein provided for, but as the time fixed for the Convention to assemble is so near at hand that the States cannot be represented, it is expected that the Commissioners on behalf this State will insist that the Convention adjourn until such time as the States shall have an opportunity of being represented.

Resolved, That His Excellency, the Governor, be requested to transmit copies of these Resolutions to the Executives of each of the States of the Union.

CHAPTER IV.

A JOINT RESOLUTION proposing an amendment to the second section of article second of the Constitution, so that the Legislature may more effectually guard against fraudulent voting.

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be proposed to the Constitution of the State, and submitted to the electors for their adoption or rejection, provided the same is agreed to by a majority of all the members elected to each House of the General Assembly, chosen at the next general election, to-wit:

That there be added to the second section of article second the following clause:

Laws may be passed fixing as a qualification of voting, the length of time during which an elector shall have resided in the county and township, precinct or ward in which he offers to vote, and for ascertaining by proper proofs the persons entitled to vote under this Constitution.

CHAPTER V.

A JOINT RESOLUTION proposing an amendment to article eight of the Constitution, so as to enable cities, townships and towns, to levy taxes for the support of Common Schools.

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be proposed to the Constitution of the State, and submitted to the electors for their adoption or rejection: *Provided,* The same is agreed to by a majority of all the members elected to each House of the General Assembly chosen at the next general election, viz:

That there be added to article eight of the Constitution, the following section:

Incorporated cities, townships and towns, shall have power by taxation, under regulations prescribed by the General Assembly, to raise revenue for the support of Common Schools, in addition to the revenue derived for that purpose from the State.

CHAPTER VI.

A JOINT RESOTUTION proposing an amendment to the 23d section, article 4, of the Constitution, so as to provide for laws enabling cities, townships and towns to raise money for the support of Common Schools.

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be proposed to the Constitution of the State, and submitted to the electors for their adoption or rejection: *Provided,* The same is agreed to by a majority of all the members elected to each House of the General Assembly chosen at the next general election, viz:

That there be added to the twenty-third section of article four of the Constitution, the following clause:

But laws may be passed by the General Assembly enabling incorporated cities, townships and towns, to raise money for the support of Common Schools, without requiring a uniform rate of taxation between the different corporations.

CHAPTER VII.

A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress, to endeavor to procure an appropriation for the improvement of the Harbor at Michigan City.

WHEREAS, The State of Indiana has no port of entry in the North, upon the great lakes touching her northern boundary; and whereas, the North is conceded by all to be the great natural outlet for her *cereals*, and numerous abundant productions; therefore,

1. *Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use all proper means to procure the passage of an act granting an appropriation for the completion of the Harbor at Michigan City.

2. *Resolved*, That his Excellency the Governor, be requested to transmit a *copy* of these resolutions to each of our Senators and Representatives in the Congress of the United States.

CHAPTER VIII.

A JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to use their influence to secure the passage of a Homestead bill.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure the passage of some good, judicious Homestead bill, that will secure to the heads of families of both sexes, and to all white male settlers of the age of twenty-one years and upwards, one hundred and sixty acres each, of any lands, now unoccupied, belonging to the United States; and that the Governor be requested to forward a certified copy of this resolution to each of our Senators and Representatives in Congress.

CHAPTER IX.

JOINT RESOLUTION in regard to postage, pay and mileage of members and officers of the General Assembly.

Be it resolved by the General Assembly of the State of Indiana, That the Auditor of State be requested and directed to draw his warrant upon the Treasurer of State for any sums of money ordered by either House of this General Assembly for postage stamps.

Be it further resolved, That the said Auditor be requested and directed to draw his warrant upon the Treasurer of State for the mileage and per diem of the members, and the per diem of the officers of each branch of the General Assembly up to the time of so requesting, and that the Treasurer of State be directed to pay the same upon the certificate of the Presiding officer of the House of which the person may be an officer or member.

CHAPTER X.

A JOINT RESOLUTION on the present condition of National Affairs.

WHEREAS, The peace and harmony of the Republic are so disturbed as to excite in the minds of all patriots the most serious apprehensions of the public welfare.

AND WHEREAS, it is the duty of all loyal citizens of our beloved country to exert themselves to the utmost to avert the dangers that threaten to overthrow the stability and permanence of our free institutions, and to remove the cause or causes, if any such exist, that have arrayed one portion of a once united and happy people against the other.

AND WHEREAS, We duly appreciate the blessings of the Union under the operation and control of the Federal Constitution, as they were devised and intended by the founders of the Republic.

AND WHEREAS, We regard the dissolution of the Union and the subversion of the Constitution as a calamity so terrible in its consequence that we can contemplate it only as a

mighty evil, the extent and magnitude of which we can estimate when we shall have become a broken, disjointed people, at war among ourselves and a prey to our enemies.

AND WHEREAS, In view of all these considerations we, as a part of the people of this Republic, inviolably attached to its government, and owing the most undivided allegiance to all of its laws enacted by authority, and in compliance with the provisions of its Constitution, do hereby earnestly pledge ourselves, and resolve by the Senate, the House concurring thereon, that, as we have not in the past, contributed in any degree to bring about that state of things which threatens to result in overwhelming calamity and unparalleled crime, we will not hereafter do any act or acts that will tend to weaken the bonds of Union, violate the Constitution of the United States, or oppose, or otherwise interfere with any of the laws passed under and by authority of the same.

Resolved, That the maintainance of the rights of the States and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends, and that we as a portion of the people will abide by and maintain the same in theory and practice; and in view of the fact that several of the States in the Federal Union have placed themselves in an attitude of hostility towards the Government, in our opinion, without justifiable cause, therefore,

Be it resolved by the Senate, the House of Representatives concurring therein, that all firm, wise, dignified and patriotic measures having for their object the preservation of the Union and maintainance of the national authority under the Constitution of the United States, whether adopted by the present or incoming administration should be sustained with firmness and determination, and on behalf of the people of the State of Indiana, we hereby pledge to the Federal Government whatever of power or purpose a loyal and patriotic State should contribute, in the effort to preserve the only government on earth wherein the rights of man constitute the foundation of its laws and the measure of its civil authority.

Resolved, That the citizens and representatives of Maryland, Delaware, Virginia, North Carolina, Kentucky, Missouri, and Tennessee, who have patriotically resisted the progress of secession are entitled to our admiration and the gratitude of all other Union-loving citizens.

CHAPTER XI.

A JOINT RESOLUTION in reference to the renewal of the patent for McCormack's Reaper.

Resolved by the House, the Senate concurring, That our Senators be instructed, and our Representatives requested, to use all honorable means to prevent any renewal by Congress, of the patents formerly granted to Cyrus H. McCormack, for Reaping and Mowing Machines, as such extension would operate to the great detriment of the agricultural interests of the State.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress, a copy of the foregoing resolutions.

CHAPTER XII.

A JOINT RESOLUTION directing the Auditor and Secretary of State to distribute Statutes, Laws, Reports, and other public documents, to the county of Newton and other newly organized counties.

Be it resolved by the General Assembly of the State of Indiana, That the Auditor and Secretary of State be, and they are hereby directed to distribute to the county of Newton, and to all other new counties not having heretofore received them, their distributive share of all Journals, Acts, Statutes, Reports, and all other documents directed to be distributed to counties under any existing laws.

CHAPTER XIII.

A JOINT RESOLUTION directing, authorizing and requiring the Attorney General to bring suit against certain State officers, and the late State officers, on their official bonds or otherwise.

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the Attorney General of the State of

Indiana is hereby authorized and required to bring suit in the name of the State of Indiana, upon the relation of the Treasurer of said State, against such of the State officers, or the late State officers, upon their official bonds or otherwise, as may have received fees, perquisites or emoluments, and failed or refused to pay the same into the State Treasury, as required by an act approved March the 5th, 1859.

CHAPTER XIV.

A JOINT RESOLUTION on pensions to soldiers of the war of 1812.

WHEREAS, There are yet surviving some of those brave and patriotic men who served our country faithfully in the war of 1812, together with indigent widows of soldiers in said war; and whereas, no provision has been made by the Congress of the United States for pensioning such soldiers and such widows; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to secure the passage of a law by Congress, providing a pension for such soldiers and their widows, during their natural lives; and the Governor is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

STATE OF INDIANA, } To-wit:
OFFICE OF THE SECRETARY OF STATE. }

I hereby certify that I have compared the foregoing printed with the enrolled acts and joint resolutions, from which they were taken, on file in my office, and have found them correctly printed. A few words, designated [thus], were inserted by me.

In testimony whereof, I have hereunto set my hand and affixed the Seal of State, at the city of Indiana-

[SEAL.] polis, this 3d day of June, 1861.

W. A. PEELLE, *Secretary of State.*

A P P E N D I X .

ABSTRACTS FROM THE AUDITOR'S REPORT FOR
THE YEAR 1859.

A General Statement of the Receipts and Expenditures during the fiscal year commencing November 1, 1858, and ending October 31, 1859.

RECEIPTS.

There was remaining in the Treasury November 1, 1858..... \$131,342 28

During the year ending October 31st, 1859, the following amounts were received, viz:

REVENUE.

On account of Delinquent Revenue of 1856... \$7,689 51

STATE DEBT SINKING FUND.

On account of Tax of 1858.....	\$48,499 32
On account of Delinquent Tax of 1855.....	19 48
On account of Delinquent Tax of 1856.....	275 31
On account of Delinquent Tax of 1857.....	7,332 83
On account of Delinquent Tax of 1858.....	2,074 36
On account of sale of Stocks.....	267,101 97
On account of interest on Stocks...	24,955 43
	<hr/>
	\$350,258 70

COMMON SCHOOL FUND.

On account of Tax of 1858.....	\$291,889 62
On account of Delinquent Tax of 1855.....	195 34

On account of Delinquent Tax of 1856.....	\$1,376 00
On account of Delinquent Tax of 1857.....	46,155 22
On account of Delinquent Tax of 1858.....	13,233 98
On account of interest collected, 1858-9.....	55,190 64
	<hr/>
	\$408,040 80

TOWNSHIP LIBRARY FUND.

On account of Delinquent Tax of 1855..... \$85 77

BENEVOLENT INSTITUTIONS.

On account of Blind Asylum.....	\$2,481 68
On account of Deaf and Dumb Asylum.....	3,755 25
On account of Insane Hospital....	5,513 48
	<hr/>
	\$11,700 41

COLLEGE FUND.

On account of Principal.....	\$2,745 99
On account of Interest.....	4,170 78
	<hr/>
	\$6,916 77

SALINE FUND.

On account of Principal.....	\$3,172 51
On account of Interest.....	450 80
	<hr/>
	\$3,623 31

BANK TAX FUND.

On account of Principal.....	\$192 46
On account of Interest.....	120 40
	<hr/>
	\$312 86

SURPLUS REVENUE FUND.

On account of Principal.....	\$100 00
On account of Interest.....	112 00
	<hr/>
	\$212 00

TREASURY FUND.

On account of Interest \$49 00

SWAMP LANDS.

On account of Sales.....	\$102,445 52
On account of receipts from General Government.....	17,642 34
	—————
	\$120,087 86

STATE PRISON.

On account of Current Receipts	\$42,766 09
--------------------------------------	-------------

MISCELLANEOUS.

Borrowed from Board of Commissioners of Sinking Fund (loan of June, 1858).....	\$165,000 00
Realized from sale of Bonds, December, 1858.....	165,000 00
On account of Free Banking.....	4,025 56
On account of interest on Claims...	2,107 58
On account of Estates without heirs	494 00
On account of Fuel and Stationery	22 50
On account of State House	22 00
On account of sale of Revised Statutes	31 00
	—————
	\$336,702 64

Total receipts from November 1, 1858, to October 31, 1859, including Balance on hand November 1, 1858.....	\$1,419,788 00
	=====

DISBURSEMENTS.

The Disbursements during the fiscal year ending October 31, 1859, were as follows:

ORDINARY EXPENDITURES.

On account of Legislative Expenses	\$75,000 76
On account of Judiciary.....	29,754 80
On account of Executive Officers...	7,742 58
On account of Public Printing and Binding	31,969 77
On account of Fuel and Stationery	11,221 42
On account of Governor's House...	1,382 96
On account of State House.....	2,502 46

On account of Prosecuting Attorneys.....	22,689	45
On account of State Library.....	1,650	74
On account of Militia.....	376	25
On account of Contingent Fund....	1,679	87
On account of Specific Appropriations.....	22,577	77
On account of Expenses of Supreme Court.....	1,997	60
On account of Indiana Reports,....	5,573	55
On account of Distribution of Laws	639	80
On account of Sheriff's Mileage....	9,842	88
On account of Miscellaneous Expenses.....	1,247	75
		<u>\$227,350</u>
		41

REVENUE.

On account of Delinquent Revenue refunded...	\$405	54
--	-------	----

TOWNSHIP LIBRARY FUND.

On account of Books for Libraries.....	\$3,586	13
--	---------	----

COMMON SCHOOL FUND.

On account of the Distribution of Fund.....	\$336,758	80
On account of Expense of Fund...	2,790	99
On account of Interest refunded...	212	77
On account of Tax refunded.....	63	37
		<u>\$339,828</u>
		93

SWAMP LAND FUND.

On account of drainage, &c.....	\$136,599	70
---------------------------------	-----------	----

STATE PRISON.

On account of Current Expenses...	\$42,766	09
On account of Salaries of Officers	7,848	58
On account of Appropriation for Improvements	7,000	00
On account of Appropriation for Bibles.....	200	00
On account of Appropriation for a Library	500	00
		<u>\$58,314</u>
		67

BENEVOLENT INSTITUTIONS.

On account of Blind Asylum.....	\$19,785 03
On account of Deaf and Dumb	
Asylum.....	31,192 32
On account of Insane Hospital.....	48,832 15
	<hr/>
	99,809 50

PUBLIC DEBT.

On account of Interest paid.....	\$311,579 14
On account of Salary of Agent....	2,418 03
On account of Expenses of Agency	2,207 70
On account of Interest and Ex- change.....	7,214 32
	<hr/>
	\$323,419 19

UNIVERSITY FUND.

On account of Principal	\$4,500 00
On account of Professors' salaries,	4,960 00
On account of expense of fund.....	296 84
	<hr/>
	\$9,756 84

SALINE FUND.

On account of expense of fund.....	\$106 95
------------------------------------	----------

BANK TAX FUND.

On account of expense of fund.....	\$78 25
------------------------------------	---------

SURPLUS REVENUE FUND.

On account of excess of sales.....	\$79 00
On account of expense of fund....	28 43
	<hr/>
	\$107 43

CONGRESSIONAL TOWNSHIP FUND.

On account of principal distributed to Ripley county.....	\$253 80
On account of interest distributed to Greene county.....	17 50
On account of expense of fund....	3 12
	<hr/>
	\$274 42

INDIANAPOLIS FUND.

On account of expense of fund.....	\$3 12
------------------------------------	--------

TREASURY NOTES.

On account of principal, six per cent	\$730 00
On account of interest, six per cent	521 87
On account of principal, quarter per cent.....	60 00
On account of interest, quarter per cent.....	1 34
On account of principal, five per cent.....	25 00
On account of interest, five per cent	12 90

	\$1,851 11

MISCELLANEOUS.

On account of Free Banking.....	\$2,896 75
On account of Colonization.....	600 00
On account of Interest on University Bonds.....	3,815 10
On account of Northern State Prison.....	3,225 54
On account of Historical Society...	200 00
On account of Equalization	961 06
On account of House of Refuge....	4,000 00
On account of Geological Survey...	500 00
On account of Agricultural Premiums	1,000 00

	\$17,198 45

Whole amount audited from November 1st 1858, to October 31st 2859.....	\$1,218,185 64
	=====

CONDITION OF THE TREASURY.

Balance in the Treasury November 1, 1858.....	\$131,342 28
Receipts into the Treasury from all sources during the year ending October 31, 1859.....	1,288,445 72
Total.....	\$1,419,788 00

Amount of Warrants drawn on the Treasury on all accounts during the year ending Oct. 31, 1859.....	\$1,218,185 64
	=====

Ledger balance November 1, 1859.....	\$201,602 36
Deduct nominal balance due on Wabash and	

Erie Canal, which is included in the balance on hand November 1, 1858.....	28,929	54
Leaves.....	\$172,672	82
Deduct suspended debt of the Treasury.....	104,232	03
Actual balance November 1, 1859.	\$68,440	79

A Statement of the several Appropriation Accounts, showing the amounts expended during the fiscal year, the balances unexpended, and appropriations overdrawn on the 31st day of October, 1859.

EXECUTIVE OFFICERS.

Appropriation for 1859.....	\$12,400	00
Expended during the year.....	7,742	58
Balance unexpended.....	\$4,657	42

LEGISLATIVE EXPENSES.

Appropriation.....	\$75,000	00
Expended during the year.....	75,000	76
Appropriation overdrawn.....	76	

JUDICIARY.

Appropriation.....	\$25,000	00
Expended during the year.....	29,754	80
Appropriation overdrawn.....	\$4,754	80

PROSECUTING ATTORNEYS.

Appropriation.....	\$6,800	00
Expended during the year.....	22,689	45
Appropriation overdrawn.....	\$15,889	45

ABSTRACT FROM THE

PUBLIC PRINTING.

Appropriation.....	\$20,000 00
Expended during the year.....	31,969 77
Appropriation overdrawn.....	<u>\$11,969 77</u>
	<u>=====</u>

FUEL AND STATIONERY.

Appropriation	\$4,000 00
Receipts.....	22 50
	<u>=====</u>
Expended during the year.....	\$4,022 50
	11,221 42
Appropriation overdrawn.....	<u>\$7,198 92</u>
	<u>=====</u>

STATE HOUSE.

Appropriation.....	\$1,000 00
Receipts.....	22 00
	<u>=====</u>
Expended during the year.....	\$1,022 00
	2,502 46
Appropriation overdrawn.....	<u>\$1,480 46</u>
	<u>=====</u>

GOVERNOR'S HOUSE.

Appropriation.....	\$1,000 00
Expended during the year.....	1,382 96
	<u>=====</u>
Appropriation overdrawn.....	\$382 96
	<u>=====</u>

SHERIFF'S MILEAGE.

Appropriation.....	\$10,000 00
Expended during the year.....	9,342 88
	<u>=====</u>
Balance unexpended.....	\$657 12
	<u>=====</u>

STATE PRISON.

Appropriation, general.....	\$5,000 00
-----------------------------	------------

Appropriation, specific.....	10,000 00
Appropriation for Bibles.....	200 00
Appropriation for Library.....	500 00
Current receipts.....	42,766 09

\$58,466 09

Expenditures, current.....	\$42,766 09
Expenditures, specific.....	7,000 00
Expenditures, salaries.....	7,848 58
Expenditures for Bibles	200 00
Expenditures for Library.....	500 00

\$58,314 67

Balance unexpended.....	151 42
-------------------------	--------

STATE LIBRARY.

Appropriation.....	\$1,500 00
Expended during the year	1,650 74

\$150 74

CONTINGENT FUND.

Appropriation	\$2,000 00
Expended during the year	1,679 87

\$320 13

MILITIA.

Appropriation	\$200 00
Expended during the year	376 25

\$176 25

DISTRIBUTION OF LAWS.

Appropriation	\$1,000 00
Expended during the year	639 80

\$360 20

MISCELLANEOUS EXPENDITURES.

Appropriation	\$3,000 00
Expended during the year	1,247 75
Balance unexpended.....	<u>\$1,752 25</u>

INDIANA REPORTS.

Appropriation	\$4,000 00
Expended during the year	5,573 55
Appropriation overdrawn.....	<u>\$1,573 55</u>

EXPENSES SUPREME COURT.

Appropriation	\$1,500 00
Expended during the year	1,997 60
Appropriation overdrawn.....	<u>\$497 60</u>

ASYLUM FOR THE BLIND.

Appropriation for Current Expenses	\$15,000 00
Appropriation for Piano.....	300 00
Appropriation for Heating Apparatus.....	300 00
Receipts.....	2,431 68
	<u>\$18,031 68</u>
Expended during the year	19,785 03
Appropriation overdrawn.....	<u>\$1,753 35</u>

ASYLUM FOR THE DEAF AND DUMB.

Appropriation for Current Expenses	\$25,000 00
Appropriation for Heating Apparatus, Furniture, &c.....	6,000 00
Receipts.....	8,755 25
	<u>\$34,755 25</u>
Expended during the year	31,192 32
Balance unexpended	<u>\$3,562 93</u>

HOSPITAL FOR THE INSANE.

Appropriation for Current Expenses.....	\$35,000 00
Appropriation for Library.....	200 00
Appropriation for Past Indebtedness.....	7,082 42
Appropriation for Water.....	1,000 00
Appropriation for Furniture.....	1,000 00
Receipts.....	5,513 48
	<hr/>
Expended during the year.....	\$49,795 90
	<hr/>
Balance unexpended.....	\$963 75

***A Statement of the Receipts and Expenditures on account of
the various Trust Funds.***

UNIVERSITY FUND.

Receipts.

Balance on hand November 1, 1858.....	\$5,627 24
Loans collected during the year.....	2,745 99
Interest on Loans.....	4,170 78
	<hr/>
	\$12,544 01

Disbursements.

Principal loaned.....	\$4,500 00
Professors' Salaries.....	4,960 00
Expense of Fund.....	296 84
	9,756 84
Balance on hand October 31, 1859.....	\$2,787 17

Loan Account.

Amount outstanding November 1, 1858.....	\$77,233 07
Loans collected during the year.....	2,745 99
	<hr/>
	74,487 08

Principal loaned.....	4,500 00
Outstanding October 31, 1859.....	<u>\$78,987 08</u>

SALINE FUND.

Receipts.

Balance on hand November 1, 1858.....	\$22,634 34
Loans collected.....	845 00
Interest on Loans.....	450 80
Sale of Lands in Orange county.....	1,130 93
Received from Branch Bank, Evansville.....	1,196 58
	<u>\$26,257 65</u>

Disbursements.

Dxpense of Fund.....	\$106 95
Balance on hand October 31, 1859.....	<u>\$26,150 70</u>

Loan Account.

Amount outstanding November 1, 1858.....	\$8,871 96
Loans collected during the year.....	845 00
Outstanding October 31, 1859.....	<u>\$8,026 96</u>

The amount outstanding November 1, 1858, as stated in the last report from this office, was \$8,548 22, which, upon examination, I found to be incorrect, and have corrected it as above. The error has been transmitted through the published reports from year to year, so long that I have been unable to ascertain its origin. Similar errors have been discovered in the loan account of other trust funds, and corrected for this report. The Amount received from the Branch Bank, Evansville, as well as of saline fund, received from the same source, is derived from an investment in the stock of that branch, under the act of 1841.

BANK TAX FUND.

Receipts.

Balance on hand November 1, 1858.....	\$19,277 81
Received from Branch Bank, Evansville.....	192 46
Interest on Loans.....	120 40
	<hr/>
	\$19,590 67

Disbursements.

Expense of Fund.....	73 25
Balance on hand October 31, 1859.....	\$19,517 42

Loan Account.

Loans outstanding November 1, 1858.....	\$4,804 50
---	------------

No loans collected since that date.

The saline and bank tax funds form a part of the common school fund. The saline fund at this date amounts to \$83,120 79, composed as follows:

Distributed to the various counties under the act of 1845.....	\$45,084 13
Distributed in lieu of surplus revenue fund to the counties of Benton, Howard, Jasper, Pulaski, Stark, Tipton and Whitley.....	3,859 00
Loans outstanding.....	8,026 96
Balance due the Fund from the State Treasury and subject to distribution under the act of 1845.....	26,150 70
	<hr/>
Total	\$83,120 75

The bank tax fund at this date amounts to \$80,482 05 composed as follows:

Distributed to the various counties under the act of 1845.....	\$51,663 13
Distributed in lieu of Surplus Revenue Fund to the counties of Benton, Howard, Jasper, Pulaski, Starke, Tipton and Whitley.....	4,497 00
Loans outstanding.....	4,804 50
Balance due the Fund from the State Treasury	

and subject to distribution under the act of 1845.....	19,517 42
Total.....	\$80,482 05

COUNTY SEMINARY FUND, DERIVED FROM MILITIA FINES.

Amount on hand October 31, 1859.....	\$445 00
--------------------------------------	----------

SURPLUS REVENUE FUND.

Receipts.

Balance on hand November 1, 1858.....	\$1,855 60
Loans collected.....	100 00
Interest collected.....	112 00

	\$2,067 60

Disbursements.

Excess of Sales refunded.....	\$79 00
Expense of Fund.....	28 43

	107 43
Balance on hand October 31, 1859	\$1,960 17
	=====

Loan Account.

Amount outstanding November 1, 1858.....	\$2,374 65
Loans collected during the year.....	190 00

Outstanding October 31, 1859.....	\$2,274 65
	=====

This fund belongs in equal portions to the counties of DeKalb, Lake and Wells. The amount on hand will be returned to those counties as soon as there is money in the treasury applicable to that purpose, and the loans outstanding thereafter as they are collected.

CONGRESSIONAL TOWNSHIP FUND.

Receipts.

Balance on hand November 1, 1858.....	\$253 30
---------------------------------------	----------

Disbursements.

Principal distributed to Ripley county	\$253 80	
Interest distributed to Greene county	17 50	
Expense of Fund	3 12	
	_____	\$274 42

Overdrawn October 31, 1859.....	\$21 12
	=====

Loan Account.

Amount outstanding October 31, 1859.....	\$250 00
--	----------

This fund belonged to Greene and Ripley counties. The entire portion belonging to Ripley has been paid, and her accounts with the State are balanced. The interest on the one loan outstanding has been paid to Greene county in advance of its collection; hence the account is overdrawn.

THREE PER CENT. FUND.

Balance same as last year.....	\$32 13
--------------------------------	---------

COMMON SCHOOL FUND, DERIVED FROM SINKING FUND.

A bond covering the amount due from the State, with other items, has been issued to the Board of Commissioners of the Sinking Fund, in accordance with an act approved December 23, 1858.

INDIANAPOLIS FUND.

Balance on hand November 1, 1858.....	\$891 66	
Expense of Fund.....	3 12	

Balance on hand October 31, 1859.....	\$888 54	
	=====	

There are no loans of this Fund outstanding. The balance on hand reverts to the General Fund.

TREASURY FUND.

Balance on hand November 1, 1858.....	\$5,030 54	
Interest received during the year.....	49 00	

Balance on hand October 31, 1859.....	\$5,079 54	
14	=====	

There is one loan of \$700 outstanding of this Fund. The entire fund when collected reverts to the General Fund.

FUND FROM ESTATES WITHOUT HEIRS.

Balance on hand November 1, 1858.....	\$4,377 98
Received during the year.....	494 00
Balance on hand October 31, 1859.....	\$4,871 98
	<u>=====</u>

COMMON SCHOOL FUND DERIVED FROM CURRENT TAXES AND
INTEREST UPON TRUST FUNDS.

Receipts.

On account of Tax of 1858.....	\$291,889 62
On account of Delinquent Tax of 1855.....	195 34
On account of Delinquent Tax of 1856.....	1,376 00
On account of Delinquent Tax of 1857.....	46,155 22
On account of Delinquent Tax of 1858.....	13,233 98
On account of Interest upon Trust Funds.....	55,190 64
	<u>=====</u>
	\$408,040 80

Disbursements.

Expense of Fund	\$2,790 99
Interest refunded.....	212 77
Tax refunded.....	66 37
Distributed to counties.....	336,758 80
	<u>=====</u>
	\$339,828 93
Excess of Receipts over Disbursements.....	\$68,211 87
Add Balance due the Fund November 1, 1858..	186,861 64
Makes total due from the State.....	\$255,073 51
	<u>=====</u>

SWAMP LAND FUND.

Receipts.

Balance on hand November 1, 1858.....	\$145,410 57
Receipts from sales of Land.....	102,445 52
Receipts from General Government.....	17,642 34
	<u>=====</u>
	\$265,498 43

Expenditures.

On account of Drainage, &c.....	\$136,599 70
Balance on hand October 31, 1859.....	<u>\$128,898 73</u>

STATE DEBT SINKING FUND.

Balance on hand November 1, 1858.....	\$111,195 75
Proceeds of Sales of Stocks held by Commissioners.....	267,101 97
Interest upon Stocks.....	24,955 43
Receipts of Tax of 1858.....	48,499 32
Receipts of Delinquent Tax of 1855	19 48
Receipts of Delinquent Tax of 1856.....	275 31
Receipts of Delinquent Tax of 1857.....	7,332 83
Receipts of Delinquent Tax of 1858.....	2,074 36
Total due from the General Fund Oct. 31, 1859	<u>\$461,454 45</u>

GENERAL FUND.

There is due from the General Fund—

To the Swamp Land Fund.....	\$128,898 73
To the College Fund.....	2,787 17
To the Saline Fund.....	26,150 70
To the Bank Tax Fund.....	19,517 42
To the Surplus Revenue Fund.....	1,960 17
To the Three Per Cent. Fund.....	32 18
To the Common School Fund.....	255,073 51
To the State Debt Sinking Fund.....	461,454 45
To the Fund from Estates without heirs.....	4,871 98
To the Wabash and Erie Canal (nominal,).....	28,929 54
	<u>\$929,675 80</u>
Deduct Balance in the Treasury, Oct. 31, 1859	<u>201,602 36</u>
Leaves Deficiency of.....	<u>\$728,073 44</u>

THE PUBLIC DEBT.

The following statement of the condition of the Public Debt, is taken from the report of the Agent of State.

EXPENSES OF AGENCY.

Amount audited for the incidental expenses of
Agency for the year ending Oct. 31, 1859... \$2,207 70

VINCENNES UNIVERSITY BONDS.

The amounts of interest which have been paid up to the present date are as follows:

For the year 1855.....	\$1,967 55
For the year 1856.....	3,935 10
For the year 1857.....	4,085 10
For the year 1858.....	3,935 10
For the year 1859.....	3,815 10
 Total	 \$17,737 95
	=====

TREASURY NOTES.

Six Per Cent. Treasury Notes.

Total amount issued.....	\$1,500,000 00
Amount redeemed to November 1, 1858.....	\$1,513,745 00
Amount redeemed since.....	730 00
	 \$1,514,475 00
 Excess of redemption.....	 \$14,475 00
	=====

Five Per Cent. Treasury Notes.

Total amount issued.....	\$722,640 00
Amount redeemed to November 1, 1858.....	\$735,795 00
Amount redeemed since	25 00
	 \$735,820 00
 Excess of redemption.....	 \$13,180 00
	=====

Quarter Per Cent. Treasury Notes.

Total amount issued	\$70,000 00
Amount redeemed to Nov. 1, 1858 \$77,055 00	
Amount redeemed since..... 60' 00	
	77,115 00
Excess of redemption.....	\$7,115 00
	=====

INTEREST ACCOUNT.

Amount of interest paid on six per cents. up to Nov. 1, 1858.....	\$338,523 87
Amount of Interest since paid.....	521 87
	339,045 74
Amount of Interest paid on five per cents. up to Nov. 1, 1858....	163,193 43
Amount of Interest since paid.....	12 90
	163,206 33
Amount of Interest paid on quarter per cents. up to Nov. 1, 1858	659 36
Amount of Interest since paid.....	1 34
	660 70
Total	\$502,912 77
	=====

SUMMARY of the entire Indebtedness of the State, Foreign and Domestic.

Internal Improvement Bonds outstanding	\$394,000 00
Five per cent. stocks outstanding.....	5,322,000 00
Two and a half per cent. stocks outstanding...	2,054,298 50
Bond issued to the Board of Commissioners of Sinking Fund, under the act of December 23, 1858.....	1,188,219 64
Vincennes University Bonds.....	66,585 00
Loan from the Board of Commissioners of the Sinking Fund to pay Interest due July 1, 1858.....	165,000 00

Bonds issued to pay interest due January 1, 1859.....	165,000 00
Indebtedness of the general fund to other funds, as heretofore stated.....	929,675 80
Due Shelby county for an advance as revenue of 1857.....	2,076 63
 Total.....	 <u>\$10,286,855 57</u>

ABSTRACTS FROM THE AUDITOR'S REPORT FOR THE YEAR 1860.

*A General Statement of the Receipts and Expenditures during
the fiscal year commencing November 1, 1859, and ending
October 31, 1860.*

RECEIPTS.

There was remaining in the Treasury November 1, 1859 \$201,602 36

During the year ending October 31, 1860, the following amounts have been received:

REVENUE.

On account of revenue of 1859...	\$728,567 38
On account of delinquent revenue of 1859.....	42,753 64
On account of delinquent revenue of 1856.....	1,747 24
	—————
	\$773,068 26

STATE DEBT SINKING FUND.

On account of tax of 1859.....	\$67,626 75
On account of delinquent tax of 1859.....	3,883 50
On account of delinquent tax of 1858.....	8,211 50
	—————
	\$79,721 75

COMMON SCHOOL FUND.

On account of tax of 1859.....	\$390,961 73
On account of delinquent tax of 1859.....	26,270 89

On account of delinquent tax of 1858.....	54,087 06
On account of interest of 1859-60	80,057 10
On account of liquor licenses.....	46,789 25
	<hr/>
	\$598,166 03

TOWNSHIP LIBRARY FUND.

On account of Delinquent Tax of 1855.....	\$18 76
---	---------

BENEVOLENT INSTITUTIONS.

On account of Blind Asylum.....	\$1,750 59
On account of Deaf and Dumb Asylum.....	3,812 26
On account of Insane Hospital.....	4,291 87
	<hr/>
	\$9,854 72

COLLEGE FUND.

On account of Principal.....	\$3,648 50
On account of Interest.....	6,189 09
On account of cost.....	4 00
	<hr/>
	\$9,841 59

SALINE FUND.

On account of Principal.....	\$285 00
On account of Interest.....	702 40
On account of Damages	33 74
On account of costs.....	2 00
On account of Sales of Lands.....	388 21
	<hr/>
	\$1,411 35

BANK TAX FUND.

On account of Principal.....	\$653 00
On account of Interest.....	200 90
	<hr/>
	\$853 90

SURPLUS REVENUE FUND.

On account of Principal.....	\$150 00
On account of Interest.....	153 94
	<hr/>
	\$303 94

TREASURY FUND.

On account of Interest	\$49 00
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CONGRESSIONAL TOWNSHIP FUND.

On account of interest	\$35 00
------------------------------	---------

SWAMP LANDS.

On account of sales.....	\$128,248 48
--------------------------	--------------

STATE PRISON, SOUTH.

On account of Current Receipts	\$47,793 43
--------------------------------------	-------------

MISCELLANEOUS.

On account of Free Banking.....	2,000 00
On account of sale of University Lands.....	6,747 60
On account of docket fees, Circuit Courts.....	38 00
On account of estrays.....	66 12
	—————
	\$8,851 72

Total receipts from November 1, 1859, to Octo- ber 31, 1860, including Balance on hand No- vember 1, 1859.....	<u>\$1,859,820 24</u>
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DISBURSEMENTS.

The Disbursements during the fiscal year ending October 31, 1860, have been as follows:

On account of Legislative Expenses	\$150 00
On account of Judiciary.....	33,581 97
On account of Executive	19,170 05
On account of Public Printing.....	15,899 07
On account of Fuel and Stationery	1,387 57
On account of Governor's House...	685 75
On account of State House.....	2,161 35
On account of Prosecuting Attor- neys.....	11,869 02
On account of State Library.....	2,963 34
On account of Militia.....	180 25
On account of Contingent Fund....	2,153 67
On account of Specific Appropri- ations.....	9,511 94
On account of Expenses of Su- preme Court.....	2,716 05

On account of Indiana Reports,....	4,189 40
On account of Distribution of Laws	318 01
On account of Sheriff's Mileage....	9,342 35
On account of Miscellaneous Ex- penses.....	3,547 06
	_____ \$119,826 85

REVENUE.

On account of Revenue refunded.....	\$2,528 89
-------------------------------------	------------

COMMON SCHOOL FUND.

On account of the Distribution of Fund.....	\$545,357 00
On account of Expense of Fund...	470 00
On account of Tax refunded.....	3,488 60
On account of Interest refunded...	2 26
	_____ \$549,317 85

SWAMP LANDS.

On account of drainage, &c.....	\$169,907 99
---------------------------------	--------------

STATE PRISON, SOUTH.

On account of Current Expenses...	\$47,793 43
On account of Salaries of Officers,	6,740 00
On account of Specific Appropria- tion.....	3,000 00

	\$57,533 43

STATE PRISON, NORTH.

On account of current expenses....	\$36,443 72
On account of salaries of officers...	9,240 30
On account of land for site	4,500 00
On account of contract for building	19,292,62

	\$69,476 64

BENEVOLENT INSTITUTIONS.

On account of Blind Asylum.....	\$17,255 33
On account of Deaf and Dumb Asylum.....	31,971 76
On account of Insane Hospital....	40,978 93

	90,206 02

PUBLIC DEBT.

On account of Interest paid.....	\$309,548 09
On account of Salary of Agent....	2,507 65
On account of Expenses of Agency	1,779 20
On account of Interest and Ex- change.....	8,165 66
	—————
	\$322,000 60

UNIVERSITY FUND.

On account of Principal	\$5,200 00
On account of Professors' salaries,	6,725 80
On account of expense of fund.....	225 88
	—————
	\$12,150 68

SALINE FUND.

On account of expense of fund.....	\$106 85
	*

BANK TAX FUND.

On account of expense of fund.....	\$73 25
	*

SURPLUS REVENUE FUND.

On account of expense of fund.....	\$28 42
	*

INDIANAPOLIS FUND.

On account of expense of fund.....	\$3 13
	*

CONGRESSIONAL TOWNSHIP FUND.

On account of expense of fund.....	\$3 13
	*

TREASURY NOTES.

On account of principal, six per cent	\$170 00
On account of interest, six per cent	122 95
	—————
	\$292 95

MISCELLANEOUS.

On account of Free Banking.....	\$2,300 00
On account of Colonization.....	450 00
On account of Interest on Univer- sity Bonds.....	4,205 10

On account of University lands....	5,237	10
On account of Historical Society....	300	00
On account of Equalization	409	50
On account of Geological Survey....	4,510	80
On account of Agricultural Premiums	1,000	00
On account of Presidential election	16	50
On account of bonds of December 1858.....	165,412	50
On account of interest on bonds of December, 1858.....	14,850	00
On account of Wabash and Erie Canal to balance account.....	28,929	54
On account of estates without heirs	29	75
		<u>\$227,650</u> 79
Whole amount audited from November 1st 1859, to October 31st 1860.....		<u>\$1,621,107</u> 48

CONDITION OF THE TREASURY.

Balance in the Treasury November 1, 1859....	\$201,602	36
Receipts during the year ending October 31, 1860.....	1,658,217	88
		<u>\$1,859,820</u> 24
Amount of Warrants drawn on the Treasury on all accounts during the year ending Oct. 31, 1860.....		\$1,621,107 48
Ledger balance November 1, 1860.....	\$238,712	76
Deduct suspended debt of the Treasury.....	104,052	37
Actual balance November 1, 1860		<u>\$134,660</u> 39

A Statement of the several Appropriation Accounts, showing the amounts expended during the fiscal year, the balances unexpended, and appropriations overdrawn on the 31st day of October, 1860.

LEGISLATIVE EXPENSES.

Expended during the year.....	\$150 00
No appropriation.....	

JUDICIARY.

Appropriation.....	\$25,000 00
Former appropriation overdrawn... \$4,754 80	
Expended during the year..... 33,581 97	

	38,336 77
Appropriation overdrawn.....	\$13,336 77
	=====

PROSECUTING ATTORNEYS.

Appropriation.....	\$6,800 00
Former appropriation overdrawn... \$15,889 45	
Expended during the year..... 11,869 02	

	27,758 47
Appropriation overdrawn.....	\$20,958 47
	=====

EXECUTIVE OFFICERS.

Appropriation.....	\$12,400 00
Former appropriation unexpended.....	4,657 42

Expended during the year.....	\$17,057 42
	19,170 08
Appropriation overdrawn.....	\$2,012 63
	=====

PUBLIC PRINTING.

Appropriation.....	\$10,000 00
Former appropriation overdrawn... \$11,969 77	

Expended during the year.....	15,899 07	
		27,868 84
Appropriation overdrawn.....		\$17,868 84
		=====

FUEL AND STATIONERY.

Appropriation		\$4,000 00
Former appropriation overdrawn...	\$7,198 92	
Expended during the year.....	1,387 57	
		8,586 49
Appropriation overdrawn.....		\$4,586 49
		=====

STATE HOUSE.

Appropriation.....		\$700 00
Former appropriation overdrawn...	\$1,480 46	
Expended during the year.....	2,161 35	
		3,641 81
Appropriation overdrawn.....		\$2,941 81
		=====

GOVERNOR'S HOUSE.

Appropriation		\$1,000 00
Former appropriation overdrawn...	\$382 96	
Expended during the year.....	688 75	
		1,071 71
Appropriation overdrawn.....		\$71 71
		=====

SHERIFF'S MILEAGE.

Appropriation.....		\$10,000 00
Former appropriation unexpended.....		657 12
		10,657 12
Expended during the year.....		9,343 35
Balance unexpended.....		\$1,314 77
		=====

STATE PRISON, SOUTH.

Appropriation.....		\$5,000 00
--------------------	--	------------

Former appropriation unexpended	151 42
Current receipts.....	47,793 43
Expenditures, current.....	\$47,793 03
Expenditures, salaries.....	6,740 00
Expenditures, specific.....	3,000 00

	57,533 43
Appropriation overdrawn.....	\$4,588 58
	=====

STATE LIBRARY.

Appropriation	\$1,500 00
Former appropriation overdrawn... 150 74	
Expended during the year	2,963 34

	3,114 08
Appropriation overdrawn.....	\$1,614 08
	=====

CONTINGENT FUND.

Appropriation	\$2,000 00
Former appropriation unexpended.....	320 13
Expended during the year	
	2,161 35
Balance unexpended.....	\$158 78
	=====

MILITIA.

Appropriation	\$200 00
Former appropriation overdrawn... 176 25	
Expended during the year...	180 25

	356 50
Appropriation overdrawn.....	\$156 50
	=====

DISTRIBUTION OF LAWS.

Appropriation	\$500 00
Former appropriation unexpended.....	\$360 20
Expended during the year	
	318 01
Balance unexpended.....	\$542 19
15	=====

MISCELLANEOUS EXPENDITURES.

Appropriation	\$3,000 00
Former appropriation unexpended.....	1,752 25

Expended during the year	4,752 25
	3,547 06
Balance unexpended	\$1,205 19
	=====

INDIANA REPORTS.

Appropriation	\$4,000 00
Former appropriation overdrawn... 1,573 55	
Expended during the year	4,189 40

	5,762 95
Appropriation overdrawn	\$1,762 95
	=====

EXPENSES SUPREME COURT.

Appropriation	\$1,500 00
Former appropriation overdrawn... 497 60	
Expended during the year	2,716 05

	3,213 65
Appropriation overdrawn.....	\$1,713 65
	=====

ASYLUM FOR THE BLIND.

Appropriation for Current Expenses	\$15,000 00
Receipts from shops.....	1,750 59

Former appropriation overdrawn... 1,753 35	16,750 59
Expended during the year	17,255 33

	19,008 68
Appropriation overdrawn.....	\$2,258 09
	=====

ASYLUM FOR THE DEAF AND DUMB.

Appropriation for Current Expenses.....	\$25,000 00
---	-------------

Former appropriation unexpended.....	3,562 93
Receipts from shops	3,812 26
	<hr/>
Expended during the year	\$32,375 19
	<hr/>
Balance unexpended	31,971 76
	<hr/>
	<u><u>\$403 43</u></u>

HOSPITAL FOR THE INSANE.

Appropriation for Current Expenses.....	\$35,000 00
Appropriation for Furniture.....	1,000 00
Appropriation for Library	200 00
Former appropriation unexpended.....	963 75
Receipts.....	4,291 87
	<hr/>
Expenditures.....	\$41,455 62
	<hr/>
Balance unexpended.....	40,978 93
	<hr/>
	<u><u>\$476 69</u></u>

A Statement of the Receipts and Expenditures on account of the various Trust Funds.

UNIVERSITY FUND.

Receipts.

Balance on hand November 1, 1859.....	\$2,787 17
Loans collected during the year	3,648 50
Interest on Loans	6,189 09
Costs of advertising	4 00
	<hr/>
	\$12,628 76

Disbursements.

Principal loaned.....	\$5,200 00
Professors' Salaries.....	6,725 30
Expense of Fund.....	225 38
	<hr/>
	<u><u>12,150 68</u></u>
Balance on hand October 31, 1860.....	\$478 08
	<hr/>

Loan Account.

Amount outstanding November 1, 1859.....	\$78,987 08
Loans collected during the year.....	3,648 50
	<hr/>
Principal loaned.....	75,338 58
	<hr/>
Outstanding October 31, 1860.....	5,200 00
	<hr/>
	\$80,538 58

SALINE FUND.

Receipts.

Balance on hand November 1, 1859.....	\$26,150 70
Loans collected.....	285 00
Interest on Loans	702 40
Sale of Lands in Orange county.....	388 21
Costs of advertising.....	2 00
Damages.....	33 74
	<hr/>
	\$27,562 05

Expenditures.

Expense of Fund.....	\$106 85
Balance on hand October 31, 1860.....	<hr/> \$27,455 20

Loan Account.

Amount outstanding November 1, 1859.....	\$8,026 96
Collected during the year	285 00
Outstanding October 31, 1860.....	<hr/> \$7,741 96

BANK TAX FUND.

Receipts.

Balance on hand November 1, 1859.....	\$19,517 42
Loans collected.....	653 00
Interest on Loans.....	200 90
	<hr/>
	\$20,371 32

Expenditures.

Expense of Fund.....	573 25
Balance on hand October 31, 1860.....	\$20,298 07

Loan Account.

Loans outstanding November 1, 1859.....	\$4,804 50
Loans collected.....	653 00
Outstanding October 31, 1860.....	\$4,151 50

COUNTY SEMINARY FUND, DERIVED FROM MILITIA FINES.

Amount on hand October 31, 1860.....	\$445 00
--------------------------------------	----------

SURPLUS REVENUE FUND.

Receipts.

Balance on hand November 1, 1859.....	\$1,960 17
Loans collected.....	150 00
Interest on loans.....	153 94
	\$2,264 11

Expenditures.

Expense of Fund.....	\$28 42
Balance on hand October 31, 1860.....	\$2,235 69

Loan Account.

Amount outstanding November 1, 1859.....	\$2,274 65
Loans collected	130 00
Outstanding October 31, 1860.....	\$2,124 65

This fund belongs to the counties of De Kalb, Lake and Wells in equal portions.

CONGRESSIONAL TOWNSHIP FUND.

Receipts.

Interest received.....	\$35 00
------------------------	---------

Expenditures.

Expense of fund	\$3 13
Overdrawn November 1, 1860.....	21 12

	24 25
Balance on hand October 31, 1860.....	\$10 75

Loan Account.

There is outstanding of this fund one loan of \$250 00, which, when collected, will revert to Greene county.

THREE PER CENT. FUND.

Balance same as last year.....	\$32 13
--------------------------------	---------

INDIANAPOLIS FUND.

Balance on hand November 1, 1859.....	\$888 54
Expense of fund.....	3 13
Balance on hand October 31, 1860.....	\$885 41

TREASURY FUND.

Balance on hand November 1, 1859	\$5,079 54
Interest received.....	49 00
Balance on hand October 31, 1860.....	\$5,128 54

FUND FROM ESTATES WITHOUT HEIRS.

Balance on hand November 1, 1859	\$4,871 98
Refunded to appearing heirs.....	29 75
Balance on hand October 31, 1860.....	\$4,842 23

This fund becomes Common School Fund under the Constitution, but I know of no law directing the manner in which it shall be applied. It would be well perhaps to authorize the Auditor to loan it as the school fund is loaned and distribute the interest annually.

COMMON SCHOOL FUND DERIVED FROM SINKING FUND.

A bond covering the amount due from the State, with interest, &c., has been issued to the Commissioners of the Sinking Fund under an act approved December 23, 1858.

COMMON SCHOOL FUND DERIVED FROM CURRENT TAXES AND
INTEREST UPON TRUST FUNDS.

Receipts.

On account of tax of 1859.....	\$390,961 73
On account of delinquent tax of 1858	54,087 06
On account of delinquent tax of 1859.....	26,270 89
On account of interest upon trust funds.....	80,057 10
On account of liquor licenses.....	46,789 25
 Total receipts.....	 \$598,166 03

Disbursements.

Distributed to counties	\$545,357 00
Interest refunded	3,488 60
Tax refunded.....	2 26
Expense of fund.....	470 00
	549,317 86
Excess of receipts over disbursements.....	48,848 17
Add balance due the fund November 1, 1859...	255,073 51
Total due from the State Oct. 31, 1860....	\$303,921 68

SWAMP LAND FUND.

Balance on hand November 1, 1859	\$128,898 73
Receipts from sales of land.....	128,248 43
	<hr/>
Expended for drainage, &c.....	257,147 16
	<hr/>
Balance on hand Oct. 31, 1860	169,907 99
	<hr/>
Balance on hand November 1, 1860	\$87,239 17

STATE DEBT SINKING FUND.

Balance on hand November 1, 1859.....	\$461,454 45
Receipts of tax of 1859.....	67,626 75
Receipts of delinquent tax of 1859	3,883 50
Receipts of delinquent tax of 1858	8,211 50
	<hr/>
	79,721 75
Total due from general fund Oct. 31, 1860...	<u>\$541,176 20</u>

GENERAL FUND.

There is due from the general fund—

To the Swamp Land Fund	\$87,239 17
To the College Fund.....	478 08
To the Saline Fund.	27,455 20
To the Bank Tax Fund.....	20,298 07
To the Surplus Revenue Fund.....	2,235 69
To the Three Per Cent. Fund.....	32 13
To the Common School Fund.....	303,921 68
To the Fund from estates without heirs.....	4,842 23
To the State Debt Sinking Fund.....	541,176 20
To the University Lands.....	1,510 50
	<hr/>

Deduct balance in the Treasury Oct. 31, 1860..

989,188 95

238,712 76

Leaves deficiency of.....

\$750,476 19

THE PUBLIC DEBT.

The following statement of the condition of the public debt, is furnished by the Agent of State.

Bonds surrendered.

There was outstanding on the 1st day of November, 1859, 394 bonds of \$1,000 each.....	\$394,000 00
There has been surrendered since that time, one bond of 1,000.....	1,000 00

Total outstanding November 1, 1860 \$393,000 00

Five Per Cent. State Stock.

There had been issued on account of bonds sur-	
rendered up to Nov. 1, 1859.....	\$5,322,000 00
There has been issued since that time on same	
account.....	500 00
	<hr/>
Total November 1, 1860.....	<u>\$5,322,500 00</u>

Two and a half Per Cent. State Stock.

There had been issued on account of bonds sur-	
rendered up to Nov. 1, 1859.....	\$2,054,298 50
There has been issued since that time on same	
account.....	475 00
	<hr/>
Total November 1, 1860.....	<u>\$2,054,773 50</u>

Five Per Cent. Preferred Canal Stock.

There is outstanding of this stock same as re-	
ported last year.....	<u>\$4,079,500 00</u>

Five Per Cent. Preferred Special Canal Stock.

There is outstanding of this stock same as re-	
ported last year.....	<u>\$1,216,737 50</u>

Five Per Cent. Deferred Canal Stock.

There had been issued on account of bonds sur-	
rendered up to November 1, 1859.....	\$1,242,500 00
There has been issued since that time on same	
account	500 00
	<hr/>
Total November 1, 1860.....	<u>\$1,243,000 00</u>

Five Per Cent. Deferred Special Canal Stock.

There had been issued on account of bonds sur-	
rendered up to November 1, 1859	<u>\$479,070 00</u>

There has been issued since that time on same account.....	475 00
Total November 1, 1860.....	\$479,545 00

INTEREST ON STATE DEBT.

The following statement shows the amounts of interest paid each year since the consummation of the arrangement with the bondholders:

In the year 1847.....	\$78,600 00
In the year 1848.....	183,730 00
In the year 1849.....	188,344 00
In the year 1850.....	188,595 00
In the year 1851.....	203,718 00
In the year 1852.....	199,784 00
In the year 1853.....	249,127 75
In the year 1854.....	298,255 52
In the year 1855.....	306,569 14
In the year 1856.....	316,674 34
In the year 1857.....	318,027 74
In the year 1858.....	317,092 63
In the year 1859.....	311,579 14
In the year 1860.....	309,548 03
Total	\$3,469,645 35

The annual payments of interest have gradually increased from the fact that holders of original bonds upon which no interest is paid, have surrendered them under the acts of 1846 and 1847, and received certificates of interest bearing stocks for one-half of the amount, principal and interest; the stocks issued for principal bearing five per cent. interest, and those issued for interest bearing two and a half per cent. interest. Thus while the aggregate public debt diminishes the payments of interest increase. The inequality in the annual payments is occasioned by the failure of stockholders to call for the interest when due. The annual interest upon the whole of the outstanding stocks at the present time would be \$317,494 33. The fact that the payments of interest do not exceed the actual interest on the amount of stocks admitted to be outstanding is almost conclusive evidence that there has been no over issue. I think the public may rest satisfied that there has been no fraud in the issue of stocks heretofore, and since, by the act of 1859, additional safeguards are established, no danger need be apprehended in the future.

Interest and Exchange.

Audited for 1854.....	\$3,756 50
Audited for 1855.....	5,050 00
Audited for 1856.....	3,260 00
Audited for 1857.....	3,260 00
Audited for 1858.....	4,630 00
Audited for 1859.....	7,214 32
Audited for 1860.....	8,165 66
 Total.....	 \$35,336 48

SALARY OF AGENT.

Amount audited for 1860..... \$2,507 65

EXPENSES OF AGENCY.

Amount audited for 1860..... \$1,779 20

VINCENNES UNIVERSITY BONDS.

The amounts of interest which have been paid are as follows:

For the year 1855.....	\$1,967 55
For the year 1856.....	3,935 10
For the year 1857.....	4,085 10
For the year 1858.....	3,935 10
For the year 1859.....	3,815 10
For the year 1860.....	4,205 10
 Total.....	 \$21,943 05

TREASURY NOTES.

Six per cent. Treasury Notes.

Total amount issued	\$1,500,000 00
Amount redeemed to November	
1,1859	\$1,514,475 00
Amount redeemed since	170 00
	<hr/>
Excess of redemption.....	\$14,645 00

Five per cent. Treasury Notes.

Total amount issued	\$722,640 00
Amount redeemed to October 31, 1860.....	735,820 00
Excess of redemption.....	\$13,180 00
	=====

Quarter per cent. Treasury Notes.

Total amount issued	\$70,000 00
Amount redeemed to Oct. 31, 1860.....	77,115 00
Excess of redemption	\$7,115 00
	=====

INTEREST ACCOUNT.

Amount of interest paid on six per cents. up to November 1, 1859	\$339,045 74
Amount since paid.....	122 95
	=====
	\$339,168 69
Amount of interest paid on five per cents. up to Oct. 31, 1860	163,206 33
Amount of interest paid on quarter per cents. up to Oct. 31, 1860.....	660 70
Total.....	\$503,035 72

WABASH AND ERIE CANAL.

Receipts.

Balance in hands of trustees Oct. 1, 1859.....	\$20,337 19
Balance in hands of contractors Oct. 1, 1859...	7,977 85

Tolls and Water Rents Collected.

By trustees.....	\$2,850 88
By contractors Eastern division	60,785 70
By contractors middle division.....	1,912 83
By contractors Southern division...	6,962 98
	=====
Lands Vincennes district	\$72,512 39
Lands East and West of Tippecanoe.....	28,070 33
Rents paid by contractors for Eastern division	10,324 54
	2,600 00

Advances by contractors of Eastern division....	7,877	85
Advances by contractors of middle division.....	2,311	66
Advances by contractors of Southern division....	2,094	81
Total, including balance on hand October 1, 1859.....	\$154,106	62

EXPENDITURES.

General Expenses.

By trustees.....	\$14,779	07
By contractors eastern division.....	5,093	69
By contractors middle division.....	39	87

19,912 63

Ordinary Repairs of Canal.

By contractors, eastern division....	\$21,249	92
By contractors, middle division.....	3,781	79
By contractors, southern division...	6,043	74

\$31,075 45

Extraordinary Repairs.

By contractors, eastern division....	\$5,550	06
By contractors, southern division...	2,287	78

7,837 84

Rebuilding Bridges.

By contractors, eastern division....	\$573	62
By contractors, southern division....	63	23

\$636 85

Expense of Superintendence.

By trustees.....	\$1,024	73
By contractors, eastern division....	4,000	00
By contractors, middle division.....	100	00
By contractors, southern division...	900	00

\$6,024 73

Expense of Collection.

By contractors, eastern division	\$3,611	33
By contractors, middle division.....	209	51

By contractors, southern division...	618 33	
Construction of Canal from Terre Haute to Point Commerce	379 33	\$4,439 17
Damages, water power, &c	704 75	
Expense of engineering.....	1,005 25	
Expense of land office east and west of Tippecanoe	232 07	
Interest and exchange.....	52 50	
Suspended debt.....	98 12	

Repayment of Advances.

To contractors, eastern division	\$12,464 00	
To contractors, middle division.....	400 00	
		12,864 00
Balance in hands of contractors, eastern division		22,936 81
Total expenditures.....		\$108,199 50

SUMMARY.

Balance in hands of Trustees Oct. 1, 1859.....	\$20,337 19	
Receipts during the year ending Sept. 30, 1860	133,769 43	
		\$154,106 62
Expenditures during the year ending Sept. 30, 1860.....		108,199 50
Balance in hands of Trustees Oct. 1, 1860		\$45,907 12
		=====

The grand total of receipts and expenditures on account of Wabash and Erie Canal from its commencement up to October 1, 1860, is as follows:

Receipts.

Total by State to surrender to Trustee.....	\$1,701.459 44	
Total by trustees to October 1, 1847.....	302,856 73	
Total by trustees for year ending Oct. 1, 1848,	385,606 95	
Total by trustees for year ending Oct. 1, 1849,	396,836 92	
Total by trustees for year ending Oct. 1, 1850,	521,972 30	
Total by trustees for year ending Oct. 1, 1851,	365,761 43	
Total by trustees for year ending Oct. 1, 1852,	460,452 04	
Total by trustees for year ending Oct. 1, 1853,	657,399 77	

Total by trustees for year ending Oct. 1, 1854,	520,681	10
Total by trustees for year ending Oct. 1, 1855,	252,076	62
Total by trustees for year ending Oct. 1, 1856,	238,892	25
Total by trustees for year ending Oct. 1, 1857,	197,466	36
Total by trustees for year ending Oct. 1, 1858,	117,910	29
Total by trustees for year ending Oct. 1, 1859,	124,144	17
Total by trustees for year ending Oct. 1, 1860,	133,769	43

Total receipts from all sources to Oct. 1, 1860, \$6,377,285 80

Expenditures.

Total by State to surrender to trustees.....	\$5,321,565	82
Total by trustees to October 1, 1847.....	7,420	77
Total by trustees for year ending Oct. 1, 1848,	354,811	62
Total by trustees for year ending Oct. 1, 1849,	531,617	29
Total by trustees for year ending Oct. 1, 1850,	419,013	13
Total by trustees for year ending Oct. 1, 1851,	414,273	27
Total by trustees for year ending Oct. 1, 1852,	415,611	30
Total by trustees for year ending Oct. 1, 1853,	625,044	19
Total by trustees for year ending Oct. 1, 1854,	325,724	48
Total by trustees for year ending Oct. 1, 1855,	422,192	07
Total by trustees for year ending Oct. 1, 1856,	200,524	87
Total by trustees for year ending Oct. 1, 1857,	318,047	67
Total by trustees for year ending Oct. 1, 1858,	255,202	56
Total by trustees for year ending Oct. 1, 1859,	132,736	52
Total by trustees for year ending Oct. 1, 1860,	108,199	50

Total cost to Oct. 1, 1860..... \$10,951,485 06

Summary of the entire Indebtedness of the State, Foreign and Domestic.

Internal Improvement bonds outstanding.....	\$393,000 00
Five per cent. stocks outstanding.....	5,322,500 00
Two and a half per cent. stocks outstanding...	2,054,773 50
Bond held by the Board of Commissioners of the Sinking fund.....	1,188,219 64
Vincennes University Bonds.....	66,585 00
Loan from Board of Commissioners of the Sink- ing Fund, to pay interest, July 1, 1858.....	165,000 00
Indebtedness of the General Fund to the other funds as heretofore stated.....	989,188 95
<hr/>	<hr/>
Total	\$10,179.267 09
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